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THE WEEK.

MONDAY, 20TH MARCH.

THE MAHARAJA OF BURDWAN figures in the Album portrait of the last issue of the *Indian Charivari*. The likeness is a good one, and Buck does ample justice to the charities of the Maharaja. We were not aware, however, that the Maharaja was [illegible]th, or held the rank of, a "Prince." We object too to the side hit made against His Highness the Maharaja of Vizianagram, on the score of his being "an absentee landlord." There are few landlords of his rank who take a deeper interest and more active share in the management of their estates than does His Highness. As for the Maharaja of Burdwan, it is well-known that the bulk of his estate having been given away in putni, he is to all intents and purposes a mere annuitant. We notice too that the artist has decked the Maharaja's breast with the badge of a Grand Commander of the Star of India. We shall be happy to congratulate the Maharaja when that honor and also the salute for which Buck pleads so earnestly come from Her Majesty the Empress of India, though on principle we object to salutes being fixed in honour of persons other than territorial chiefs, and particularly of subjects holding no official rank.

LAST SATURDAY'S ENGLISHMAN had a long article on the Bengal Social Science Association, in course of which it said:

"To certain section of the members the expression of opinions by such a mixed body, on social questions, or the initiation of suggestions for the amendment of laws or customs, was obviously unpalatable. Enlightened and progressive though they believed themselves to be, the members of this class were not disposed to view with favour any exhaustive enquiries into the relations subsisting between the rural classes and their landlords, and they were equally indisposed to see the discussion of political questions removed to the new Society from a more congenial arena. An attempt to exclude these questions from the discussion of the Society having failed, Babus Romanath and Jotendra Mohon Thakur, Rajendralala and Digambar Mittra, and others seceded formally, and retired to the tents of the British Indian Association."

This is however a misrepresentation. The gentlemen named had no objection whatever to exhaustive enquiries into social questions, not excepting the relations between landlords and tenants, and indeed earnestly advocated such enquiries; what they objected to was the attempt made at the time to convert the Association into a political body for making representations to Government for enforcing changes in the social organization of the community. They wanted the Association to remain a scientific one, and to abstain from entering into party politics, and failing in their endeavours seceded. A society composed of such heterogenous elements as the different races and creeds of India can yield, could scarcely for a week hold together if it took to petitioning against long-established social customs, and the seceders only wished to guard against this evil. Practically the Association has hitherto acted in exact consonance with the principles which the seceders wanted to impress upon it; but that is due to their opposition, and not to the good sense of those who opposed them At the very time when the secession took place, the question of the burning-ghats was on the *tapis*, and nothing would have been more congenial to those who longed for political action than a representation against the burning-ghats, and the Government of the time would have been greatly strengthened if it could have got a petition from an ostensibly scientific body to carry out its project. The movement for cremation had then not been set on foot in England, and Anglo Indian reformers would have been only too glad to get coadjutors in their crusade against what is unquestionably the most healthful mode of disposing of the dead.

THE FOLLOWING conversation took place in the House of Commons regarding the Bombay Native Army:

"Mr. Parnel asked the Under-Secretary of State for India whether he had any objection to lay before the House the papers relating to the recent dismissal from the service, by His Excellency Sir Charles Staveley, Commander-in-Chief of the Bombay army, of a subadar of the 25th Bombay Native Infantry, on the charge of disloyal concealment of insurrectional circulars addressed to the Mahratta soldiers in the Bombay Native Army, and whether it had been deemed expedient as yet to arm the Bombay Native Army with breech-loading weapons, and, if so, to what extent the change had been carried out. Lord G. Hamilton; No papers have been received at the India Office in reference to the dismissal of this native officer of the Bombay Native Infantry, and if we had received them, I question if it would be for the advantage of the public service to publish them. (Hear, hear.) The finding of the court-martial which tried him is to be seen in the published General Orders of the Bombay Army, dated December 31st last. It has been deemed expedient to arm the Bombay Native Army with breech-loaders, eleven regiments having this weapon, a number which will be increased during the ensuing year.

THE MAHARAJA OF BURDWAN has addressed the following letter to the *Times*:

"The Palace, Burdwan, India, Jan. 28, 1876.

"Sir,—Having read with the greatest admiration the account of the heroic conduct displayed by some of the boys of the training ship Goliath, on the occasion of the recent destruction by fire of that ill-fated vessel, I have felt a very strong wish to present a silver medal to each of those who signally distinguished themselves on that occasion. I may have been forestalled in this wish, but I trust that I may be allowed to do something of the kind, as coming from India, it will prove to the boys that deeds like theirs have not merely a local fame but are marked and appreciated by their fellow-subjects in the most distant parts of Her Majesty's Empire. I have taken the liberty of addressing you upon the subject, and have been unable to ascertain the name of the society to which the ship belonged. I should have written direct to its officers had I been able to discover it, and I have therefore, to beg that, while pardoning me for the trouble I am giving you, you will do me the further favour of forwarding to the proper authorities the enclosed draught to cover the cost of the medals, and of intimating that, if necessary, I shall be happy to remit a further sum.

I have the honour to be, Sir, your obedient servant,
"MAHARAJAH OF BURDWAN."

J. D. author of the pamphlet on the Indian Legislation Bill, which we noticed last week, has addressed the following letter to some of the London papers:

"Will you permit me, through your columns, to call particular attention to certain provisions of the 'Indian Legislation Bill,' which is now under consideration of Parliament? Section 3 proposes to confer on the Government of India the power to 'repeal or alter the letters patent of the high courts' in India. These courts have been established under the authority of Acts of Parliament, and the Crown itself cannot, according to the constitution of Great Britain, repeal or alter their letterspatent. Under such circumstances it is but reasonable to expect that the Government should state why the extraordinary powers asked for are needed at the present moment. The public impression in India is that the powers demanded are intended to exempt the conduct of executive officers from the jurisdiction of the law courts, in cases like the Koth succession, the Hazaribagh, the Bhaonagar cession, the assessment suit connected with the Bombay Revenue Jurisdiction Bill, and the recent Katywar case of Haribhai Monbhai. Might it not be advisable for Parliament, before granting the powers described in the Indian Legislation Bill, to enquire into the circumstances which induced the Government to ask for them, and thereby ascertain the uses which those dangerous and unconstitutional powers are likely to be put to?"

THE PUNJAB GOVERNMENT has published a report on the current rates of interest on loan transactions in the Punjab. With regard to agriculturists we find that they are charged an average rate of interest as under:—

	Minimum.	Maximum.
On land	... 11·5	25·8
On accounts	.. 13·5	27·3
Do. between Mercantile classes	... 6·2	13 2

The rates of interest charged upon advances made upon the security of land are comparatively high. This peculiarity is variously accounted for. Some district officers ascribe it to the difficulty of obtaining possession of the land when it is necessary to foreclose the mortgage, while others hold that it is owing to the general poverty and improvidence of the agricultural classes. The Financial Commissioner seems to be of opinion that the high rates are a good deal owing to the absence of competition amongst money-lenders, which is apparently traceable to a peculiar etiquette or custom which exists amongst the village sowcars, prohibiting competition amongst the members of the trade.

TUESDAY, 21ST MARCH.

SIR MUNGALDAS NUTHOOBHOY visited the Prince of Wales on board the *Serapis* before departure. The visit was the result of a wish expressed by His Royal Highness to see Sir Mungaldas and bid him farewell before sailing. Sir Jamsetjee Jeejeebhoy and sons also took leave of His Royal Highness on board the *Serapis*.

WHEN the Prince of Wales was in the Terai he presented Mr. William Simpson, of the *Illustrated London News*, and Mr. Herbert Johnson, of the *Graphic*, with a neat silver medallion to wear on the watch guard. On the obverse was the Prince of Wales' plumes, and on the reverse an inscription stating that they were presented by the Prince. Mr. Simpson and Mr. Johnson were enjoying a chat round the camp fire when His Royal Highness went up to them, and, in giving the medals, expressed his satisfaction with the sketches he had seen made by each of the above-named "special artists."

WE OBSERVE that Sir Cowasjee Jehangeer has given Rs. 20,000 to the Alexandra Girls School in commemoration of His Royal Highness the Prince of Wales' visit to India.

IT IS STATED that the Queen has herself written to India expressing her approval of the discretion displayed by Sir Joseph Fayrer in dissuading His Royal Highness the Prince of Wales from visiting the Annimallay Hills, and the other places in India where there was danger from contagious or infectious diseases or epidemics.

SIR WILLIAM MUIR has presented the Report of the Select Committees on the Presidency Banks Bill. According to the alterations suggested the Banks are to be authorised to advance money on stocks of the United Kingdom, and undertake and charge for the care of title-deeds and plate, and make loans to individuals or firms not exceeding six lakhs, but they are not to discount, buy, lend or open credits on paper not carrying names of two persons or firms with separate responsibility, or for more than three months. All three Banks are to be permitted to establish agencies at other Presidency towns. One Bank must not purchase business of other Banks. The maximum number of votes of each shareholder is to be raised to twelve.

FROM the report of Major W. S. Hunt, Acting Superintendent of the School of Arts, Madras, it appears that the average daily attendance of the Artistic and Industrial Departments was fifty six, exclusive of the regular workmen attending the latter. The work of the school has been carried on regularly, and with fair results both in art and manufacture, but the Acting Superintendent laments the want of special Instructors, recommended by the late Committee of Enquiry, and sanctioned by the Government. As evidence of the good work done by the school in recent years, it may be noted that it carried off a gold medal awarded by Her Majesty's Commissioners for contributions to the International Exhibition of 1873, and two other medals for casts and metal work sent to the Vienna Exhibition of the same year.

WE ARE sorry to record the death of Mr. Merwanjee Framji Peenday. He was formerly a broker in the firm of Campbell, Mitchell and Co, the manager of three Spinning Companies, a Fellow of the University, a Justice of the Peace, and a leading member of the Parsi community of Bombay. The deceased subscribed largely for the support of public institutions in that city. A memorial will be established by the Spinning Companies in his honor in the shape of an educational institution for factory children.

WEDNESDAY, 22ND MARCH.

THE FRENCH trade returns for the year 1875 show the value of the imports to have been £146,880,000 against £149,920,000 in 1874—a falling-off of £3,040,000. On the other hand the exports rose from £155,120,000 in 1874, to £160,880,000 last year—an increase of £5,760,000.

IT IS rumoured in London that there is to be another new batch of Peers, and that Sir Bartle Frere is to be of the number. It is believed that Sir Bartle will also receive a substantial pension.

THE OVERLAND route *via* New York and San Francisco bids fair to divert much of the Australian trade, which now passes by the Canal and the line from Alexandria to Suez. A new fleet of steamers, said to be the fastest and most comfortable vessels of their kind ever constructed, has been laid on the San Francisco, New Zealand and Australian line; and arrangements are in progress for conveying the English and other mails across the American Continent, *via* the Pacific Railway, in five days instead of seven as at present.

THE RUSSIAN WAR Office has instituted an inquiry which has resulted in a confirmation of the allegations made against the Russian troops assembled in a camp near Luck, of having committed terrible outrages upon the civil population of the place, mostly Jewesses. Having been attracted by the announce-

ment of fireworks, the unfortunate victims were surrounded by the soldiers, overpowered, robbed of their jewellery, and dreadfully outraged. All this it was alleged, was done with the sanction of the commanding officers.

MISS M. E GRANVILLE, niece of the late George Turnour, has liberally presented to the India Office Library the valuable collection of Pali and Sinhalese MSS., brought by her uncle from Ceylon many years ago, and bequeathed to her. Among them are the original manuscripts of the Pali text and commentary of the Mahavanso, which Turnour made use of for his celebrated edition of that work. The MSS., between thirty and forty in number, are all beautifully written on palm-leaf, and mounted in calamander wood with ivory labels.

THE PRUSSIAN Field Marshal, Count Wrangel, will shortly celebrate his ninety-second birth-day. On August 15 it will be precisely eighty years since he entered the Army, which he did at the early age of twelve. God bless the brave old man!

THE PIONEER has the following: "English Vandalism, as Exemplified in our past treatment of the Taj, the Agra Fort buildings, and many more, is after all no worse than the same phenomenon at home. Take, for example, the description of the treatment of the Cistercian Abbey of Cleeve in Somersetshire, as given at a late meeting of the Royal Institute of British Architects. 'Even until a few months ago pigs squealed in the cloister, calves fed in the sacristy hides reeked in the parlour, carts and lumber blocked the chapter-house, straw was piled in the day-room, and grain choked the dormitory. A cider press thrust up its unsightly head through the floor of the refectory, an unsavoury stackyard filled one-half of the garth which a vile wall bisected, and all lay defiled by weather and accumulated filth."

FROM the report of the Registrar of Joint Stock Companies in Calcutta for the year 1875 we see that 19 new Companies were registered during the year, with an aggregate capital amounting to Rs. 57 16,500, of which the Tea companies alone represent Rs. 20,26,000. Four Companies also increased their capital by Rs 2,52,500, of which Rs. 1,80,000 is represented by Tea Companies. Nine Companies were wound up during the year, with an aggregate capital of Rs. 25,05,000, of which the sum of Rs. 85,000 belonged to Tea Companies. In addition to these, three Companies *viz.*, the Western Coffee Company Limited, registered in 1865 the Burdwan Stone Company Limited, registered in 1867, and the National Theatre Company, registered in 1873, have been written off as defunct.

THE LAST BOMBAY GOVERNMENT GAZETTE contains an interesting statement of the area of land under cotton cultivation and estimated produce during 1875-76 as compared with that of the preceding season 1874 75. The total area under cultivation in the Northern and Southern Divisions, Sind and the Native States in the Presidency in 1874-75 was 4245,564 acres. and for 1875-76 the area is 4,370,419, showing an increase of 124,855 acres. The crop in 1874-75 amounted to 1,759,738 cwts, and in 1875-76 the crop is estimated to produce 18,15,641 cwts., or an increase of 55,903 cwts.

THURSDAY, 23RD MARCH.

A CORRESPONDENT thus protests against the abolition of the sub-division of Gurbetta:

"It is perhaps known to you that a convenient road for travelling pilgrims, from up country and parts of Bengal, to Cuttack lies through Garbetta—a place almost desolate and surrounded by far extending *Salbon* all round. In fact *Salbon* skirts the horizon on all sides. These *Salbons* are the dreaded region of bears, tigers and wolves, whose neighbours are the Santals and other tribes dwelling in low huts. The travellers having had to pass through this dreary land, it was not unfrequent that they suffered great deal from the inroads of the *chuars* who infested the district before a Sub-division was created here. It is only to check the outrages of the *chuars* that Garbetta was selected for a magisterial seat. Besides its local position being the centre of this Division much was added to the comfort and convenience of the people. But we regret to say that the Government has lately resolved to remove the Sub-division to Ghatal—a place, far removed as it is from the centre, is not in the least advantageously situated for the people. Besides, the removal of the Sub-division will leave this part of the country bare and consequently open, we apprehend, to much future trouble. Dangerous and savage as the *chuars* are, the very thought, that the Hakim is scores of miles off, will embolden them to renew their ravages and brutal molestations.

The District Magistrate I hear has proposed to the Government to make a bench of Honorary Magistrates at Garbetta which is to sit once or twice a month as need be presided by a salaried Magistrate. But still we doubt whether people will enjoy peace and convenience as now.

In my letter about the Decoity case of Khirpai which you had the pleasure to publish in your issue of the 7th ultimo, I promised to communicate to you the result of the case in the Court of Sessions. The result is now known. All the four criminals have been sentenced to five years' imprisonment.

A CORRESPONDENT from Rampore Haut furnishes the following account of an educational fete held at that place under the auspices of Mr. Bolton, the Assistant Magistrate in charge of Rampore Haut Subdivision:

"On the 28th ultimo about three hundred boys were gathered at Rampore Hat—they were students from the middle class Schools, Vernacular Schools, Primary Schools and *Patshallas* situated in the Sub-division. Besides these all the teachers and gurus of the various educational institutions had been summoned to attend the gathering accompanied by only half a dozen of the advanced students from each school. These were examined on the 28th by a select number of examiners appointed for the purpose. On the 29th the distribution of prizes to the successful students were made in the presence of the respectable gentlemen native and European, of the station. Advantage was taken of the occasion to distribute prizes to the students of the Ramporehat Anglo-vernacular School. There was a good deal of speechifying in which Mr. Bolton, the Deputy Inspector of Schools for Moorshedabad and the Moonsiff of Moorshedabad took part. There was an exhibition of fire-works at night and suitable entertainments were provided for the boys for two successive nights. This gathering was held on the open maidan under the shade of a canopy. The youths were also feasted twice on the important day of the fete. The funds towards the expenses of these amusements reports as well as prizes were raised by subscriptions contributed by the inhabitants of which Mr. Bolton had contributed rupees one hundred. This gentleman it is said contributed a large sum during the course of the year while on tour for the purpose of supplying dictionaries maps and other school-apparatus to the several schools of his sub-division."

DEATH seems to be busy in the Education Department. Mr. Thwaytes, Principal of the Hooghly College, is dead.

A CORRESPONDENT of the *Behar Herald* gives the following list of illegal cesses levied by the Court Amla:

1. At the presentation of plaint;—1 Rupee in the lower Courts and Rs. 2 in the superior ones. This cess is termed "Dakhilla."
2. "Tuhrrir" for depositing Process fee 8 Annas in the superior, and 4 in the inferior Courts.
3. Issuing summons. [Scale as in No. 2]
4. Serving peon's cess:—8 Annas for town service, and 1 Rupee *plus* diet for service out of town.
5. For putting in List of Witnesses:—Re. 1. This is termed "Dakhilla Ismnoweesee."
6. For issuing summons to witnesses (as in No. 2)
7. For depositing Process fee for summoning witnesses (as in No. 2)
8. Peon's cess for serving summons on witnesses:—Re 1 per peon.
9. For filing written statement:—1 Rupee.
10. For filing any petition or fresh Vakalutnama during the pendency of the suit:—Re. 1.
11. For registering attendance of witnesses:—Re. 1-12 in the superior, and Re. 1-8 in lower Courts. This impost is called "Hazaree."
12. "Izher Likhyee" (Deposition of witnesses) 1 Rupee.
13. For taking out certified copy of decree and judgment:—Rs. 2-10 for decree only, and Rs. 2 to 3 for Judgment from the winning party. Re. 1-10 for decree only, and Re. 1-8 to Rs. 2 for judgment from the losing party. This rate prevails in the superior courts. In the inferior courts Rs. 2-10 from the winning party and Re 1-10 from the losing party for both the decree and judgment.
14. Filing petition of execution "Dakhilla":—Re. 1.
15. For issue of order of attachment of property in execution:—Re. 1-8, for each order
16. Peon for service of attachment order; Rupee 1 for each order.
17. Issue of proclamation of sale (as in 5)
18. Peon for service of ditto. (as in No. 16)
19. Decreeholder's petition for permission to purchase the judgment debtor's property Dakhilla:—Re 1.
20. The following items of expenses are paid by the decreeholders for drawing the decretal money deposited:—
(A) "Dakhilla" for putting in petition for drawing the deposit money:—Re 1.
(B) For giving Kyefeut on the petition:—1 per cent. on the amount drawable.
(C) Issue of cheque:—4 per cent. on ditto.
(D) 4 checking officers for their signature on the cheque:—each ¼ per cent on the amount drawable.
(E) Chuprasee's fee for getting the Treasury officer's signature on the cheque:—8as.
(F) 2 cashing department amlah:—each ¼ per cent on the amount drawable."

The writer justly remarks that the foregoing figures only represent the indispensable minimum, there being no limit to the maximum.

THE SAME JOURNAL says that Syed Abdullah, Deputy Inspector of Schools, Patna, has been handed up to Government for sending in false returns of his visit to certain Schools. Pending final orders of Government, he has been suspended by the Director of Public Instruction. Is this the same gentleman, who was professor of Hindusthani in the London University, and used to quote Macaulay against the Bengali?

IT IS STATED that Sir Salar Jung may not go to England, as his presence is considered by our Government absolutely necessary in Hyderabad.

FRIDAY, 24TH MARCH.

IT IS STATED that a widow lady in the Bharat Asram of the Progressive Brahmas solemnly took the *brata* (vow) of *Paricharica* for the period of a year. She will obediently serve her sisters as a servant.

A RUMOUR from the Frontier has it that the political officers, aided by a sufficient force, are ordered to assist the Khan of Khelat in re-asserting his authority over the refractory chiefs. The disastrous result of the recent battle may precipitate matters, and force the Government to show its hand.

BABU JOGESH CHUNDER CHOWDRY'S name has been struck off the rolls of Attorneys of the High Court, Calcutta, for unprofessional conduct. If, however, after two years from the date of this decision, the Court should find on inquiry that his conduct has been satisfactory, it may re-admit him.

AN ACT XIV case was heard last week by the High Court on an appeal from an order of the Commissioner of Police. The question was whether the unfortunate woman was entitled to exemption from the Act if she wanted to live with a single person as his wife. Mr. Justice Phear held that the Commissioner of Police had acted according to rule, though that rule was perhaps *ultra vires*, but his Lordship remarked as follows:

"I think I may rightly take this opportunity of saying that in giving effect to the rule of the local Government, the Commissioner of police ought not to put any undue impediment in the way of a woman getting her name removed from the register, if she is really desirous of ceasing to carry on the business of a common prostitute.

The Commissioner of police ought, I think rather to facilitate her doing so, so far as he safely can. And I am not prepared to say that the Deputy Commissioner in this case has not gone further than was really necessary for his purpose, when he insists upon knowing the name of the person with whom the woman is living.

Every facility ought to be given to fallen women to return to the path of virtue.

THERE has been again an outbreak among the Moplas at the village of Kolatur in the Calicut collectorate. Four women and the chief native of the village have been killed, and several wounded seriously.

THERE is, says a contemporary, to be a fight—or rather a series of fights—over the spoils of the grain-carrying contracts of the Bengal famine. Most of these contracts were taken by managers and assistants in the various indigo factories, and now their principals claim more or less of the profits. Several suits have already been filed. The disclosures, which are sure to be made, will be interesting.

SATURDAY, 25TH MARCH.

A FORMAL demand, it is said, will shortly be made on the Madras Government for the restitution of certain large sums of money for educational purposes which are alleged to be wrongly withheld by the trustees or executors of the first Lord Harris from the Mahomedans of the Province of Mysore. The contention is that the conqueror of Seringapatam left a considerable amount of money for the furtherance of the education of Mahomedans in Mysore, as well as in the Madras Presidency. The money in dispute, with interest, is calculated to amount to something like a crore of rupees, and it is said that the Mahomedans of the Mysore Province intend fighting for it.

THE LONDON Correspondent of the *Bombay Gazette* writes of Dr. Leitner:—"While in this country he placed in the hands of Messrs. Trubner, the publishers, a work which is now the talk of literary circles. Advance sheets were sent to the *Athenæum*, which published a review of the forthcoming work, and pointed out that the author confessed himself guilty of highway robbery and murder whilst in Cashmere as an accredited officer of the Indian Government. I am informed that the Indian Government has been asked by the authorities at home to inquire into Dr. Leitner's charges against the Government of Cashmere. Meanwhile, Messrs. Trubner have stopped the issue of the work, and now there is not a copy procurable for love or money." Dr. Leitner, who has returned to the Punjab, was on his arrival received with great enthusiasm by the people there.

THE LAST MORTUARY RETURN of Calcutta for the week ending the 18th instant shews the total number of deaths at 269. Cholera seems to be still raging fiercely. The total number of deaths from cholera was 78. There were three deaths from small-pox.

THE FOLLOWING two notifications appear in this morning's *Gazette of India*:

"In recognition of the good services rendered to Government by Sindhun Chunder, Honorary Extra Assistant Commissioner in Assam, the Viceroy and Governor General is pleased to confer upon him the title of "Rai Bahadoor" as a personal distinction.

In recognition of the services rendered to Government by Babu Durga Narayan Banerjee, Inspector on the Bengal Postal Establishment, the Viceroy and Governor General is pleased to confer upon him the title of "Rai Bahadoor" as a personal distinction."

THE GOVERNMENT OF INDIA publishes the following report on the state of the season and prospects of the crops for the week ending the 23rd March:

In Madras rain has fallen in Kistna, Kurnool and Tanjore, causing some improvement in prospects. Showers have also fallen throughout Mysore and Coorg, doing good to the coffee crop. In Bombay rain is reported from Sholapur, Dharwar and Kanara: the *rabi* harvest is drawing to a close. In the Central Provinces showers have fallen in several districts: the harvest is good and prospects favourable here and in Berar. In Central India no rain is reported to have fallen, but showers are announced from Rajputana: prospects are good. In Bengal there has been moderate rain in the south-central and eastern districts, in Chota Nagpore, and in parts of Orissa: very little has fallen in Behar. The rain has facilitated sowings of early rice and the preparation of land for other crops. The harvest is being gathered in the eastern and commencing in the western districts of the North-Western Provinces: prospects are good here and in Oudh. In the Punjab the only rainfall reported is from Mooltan and Dera Ismail Khan: prospects are favourable. In Assam there has been no rain, and it is much wanted: some has fallen in Sylhet.

THE FOLLOWING is the death-return of the Suburbs of Calcutta for February:

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"The Mortuary-Return of the Suburbs for the month of February 1876 shows the number of deaths to be 1126 viz., 17 Christians, 331 Mahomedans and 778 Hindus. The ratio of the mortality per thousand of the population per year is 52·54 and the causes of the decease were Cholera 228, Small-pox 31, Fever 345, Bowelscomplaint 83, and the rest from all other causes."

WE TAKE from the morning papers the following telegrams of the week :

London, 20th March.—In a debate in the House of Commons this evening on the Queen's Titles Bill, the Prime Minister said that in no case would Her Majesty take the title of Empress of England. The Royal children would not be called their Imperial Highnesses. Several amendments that were introduced were rejected, and the Bill passed through Committee.

Obituary.—Colonel C. C. Chesney, Royal Engineers.

21st.—In the House of Lords last night Lord Derby stated that negociations with the Khedive were still proceeding for the suppression of the slave trade. The Khedive's good-will Lord Derby said was undoubted. Her Majesty's Government has abandoned further negociations for the cession of Gambia to France.

21st—Mr. Cochrane gave notice that he would shortly call attention to the occupation of Khokand. The Chancellor of the Exchequer made a request that Sir Henry Wolff would withdraw his motion for an address to Her Majesty, in regard to obtaining neutrality in the control of the Suez Canal as inopportune, to which Sir Henry Wolff assented.

Paris, 6th March.—The programme of the newly constructed Ministry comprises peace and free trade, together with an honest trial of the Republic.

Naples, 16th March.—Lord Lytton, the newly appointed Viceroy of India, embarked on board the troopship *Orentes* to-day.

Vienna, 18th March.—The Prince Montenegro is endeavouring to induce the insargents to submit and give obedience to the Porte.

Rome, 20th March.—The Minghetti Ministry has resigned on account of adverse vote of Chamber of Deputies. Signor Depreties, Member of the Left, is forming a new Cabinet.

Alexandria, 22nd March.—The *Orentes* with Lord Lytton arrived here to-day. Lord Lytton left shortly after for Suez to meet the Prince of Wales.

Penang, 17th March.—Ex-Sultan Ismael, together with hundred add seventy persons, including chiefs and their regalia, have submitted to Rajah Quedah, who, with Superintendent Hewick, is bringing Ismael here *en route* to Singapore. The ex-Sultan is expected in a few days. Two of Birch's murderers are awaiting execution at Perak.

21st.—The ex-Sultan Ismail has been induced by Governor Anson, assisted by the Sultan of Quedah to come to Penang. He arrived yesterday with his regalia and two chiefs, and has had an interview with the Governor to-day. He will probably be sent to Singapore in the *Ringdove*

22nd.—Ex-Sultan Ismael personally handed Governor Anson the regalia to-day.

IT WILL BE OBSERVED from the above that Col. Chesney is dead. He was a man of remarkable ability. He was the author of the Battle of Dorking. His book entitled the Indian Polity is a treasure of Indian knowledge.

HIS HONOR the Lieutenant Governor again left this evening for Chota Nagpore. He will be back by Monday week.

WE HAVE received too late, for publication an English translation of the address presented to Mrs Phear by the ladies of the Hindu Mahila School. The address was presented on the evening of Thursday last at the residence of Babu Doorgamohun Das, Pleader, High Court, and there were present on the occasion many European and Native ladies of the progressive school with a sprinkling of gentlemen A silver plate accompanied the address.

A CORRESPONDENT writes to us as follows :

"A daring dacoity has been committed by a gang of dacoits in the house of one Taffi Bibee in the village of Oodnow, near Khanacool Krishnagore, one of the miscreants had been brought before the Deputy Magistrate of Mohishrakha yesterday, who made a free confession. His name is Jadab Chunder Acharjee. The prisoner's statement was recorded according to the procedure laid down ; some wonderful disclosures were made by him before the Mag strate, who ordered the police to investigate the matter and to find out the persons named by this prisoner, who were also suspected of having committed the crime.

WE HAVE to acknowledge with thanks the receipt of the under-mentioned publications and periodicals : 1. Journal of the Asiatic Society of Bengal, Part II, extra number for August 1875 2. Records of the Geological Survey of India Vol IX, Part I, 1876 3. Proceedings of the Asiatic Society of Bengal No. II February, 1876. 4. Trade and Navigation Returns of British India for the month of December 1875, and the nine months 1st April to 31st December 1875. 5. Proceedings before the Select Committee on the Municipal Bill. 6. A Sheaf gleaned in French Fields by Toru Dutt. 7. Fifty-eighth Report of the Directors of the East Indian Railway Company. 8. Subda Kulpadruma or the Sanskrit Dictionary of the late Raja Sir Radhakant Deb Vol IV Nos. 9 and 10. 9. Maharathi Almanack. 10. Bandrami or a budget of wit and humour in Bengali. No. II.

The Hindoo Patriot.

MONDAY, MARCH 27, 1876.

THE SECRETARY OF STATE *vrs.*, THE GOVERNOR GENERAL.

AN *exparte* statement of the dispute between the Secretary of State and the Governor General on the subject of Tariff legislation has appeared in the Indian papers in the shape of despatches from the former to the latter. We can form our own opinion as to the merits of the question at issue, but we would have preferred if the Viceroy's reply to the Secretary of State's despatch had been published simultaneously. The public would have been then in a position to form a just estimate of the arguments on both sides. Be that as it may, we will draw the attention of the reader to the salient points of this controversy.

Firstly, the relation between the Governor General and Secretary of State in matters of legislation. The Secretary of State censures the Government of India for passing the Tariff Act without taking his previous assent. Lord Salisbury says :

"There is no question that if measures of equally great moment to the fortune and interests of the Indian Empire had been adopted by the Governor-General, not in the Council for making laws and regulations, but in Executive Council, they would have been reported to me in full detail at a much earlier stage ; and I see no sufficient reason why the circumstance, often quite accidental, that your Excellency's orders take a legislative form should deprive me of all official information concerning them until a period at which it becomes peculiarly difficult to deal with them. Among many inconveniences which attend the present course of proceeding, it may be pointed out that if the Secretary of State advises Her Majesty to disallow an enactment, under Section 21 of the Indian Councils' Act, he may be annulling, on the score of a single objectionable provision, the results of much conscientious labour on the part of the Legislature, and of much technical skill, bestowed by the Legislative Department ; and further that unless a measure is reserved under Section 20 of the above Act, for Her Majesty's pleasure (a course which appears to be very rarely followed), its disallowance may cause great difficulty and confusion by rendering useless courses of administrative action which have been entered upon on the footing of the law. It adds to the forces of these observations that of late there has been a considerable increase in the number of petitions and representations addressed to the Secretary of State by native of India and others on the subject of intended legislative measures, concerning which his information is at best imperfect."

The Government of India had anticipated this objection and in a previous despatch had given their reasons for passing the Tariff Act without reference to the Secretary of State. Briefly they stated that "it had not been the practice, on former occasions, to refer alterations of Customs duties for the opinion of Her Majesty's Government previously to their being introduced and passed in the Legislative Council ; and we consider that in exercising the discretion which is placed in our hands by your Lordship's Despatch, we should be guided to considerable extent by former practice, to which indeed reference is particularly made in that despatch." We think this is a sufficient answer to the Secretary of State's objection. If it was not the practice before to obtain the sanction of the Secretary of State to Customs legislation, we do not see why the Government of India should be blamed for following this practice in the present matter. Lord Salisbury is wroth because no attention has been paid to his previous despatch regarding the Cotton duties, but Lord Northbrook has given good and valid reasons for not favoring Manchester to the detriment of the best interests of the people of India. The Secretary of State shews much virtuous indignation at the complaints received by him against certain acts of the Indian legislature. The people of India would have been much obliged to him, if he had called the attention of the Governor General to those arbitrary acts of the legislature, of which they complained, and also disallowed some of those Acts as a proof of his earnestness, supposing that he was convinced of the reasonableness of the objections. But he does nothing of the kind ; he throws a thin veil through which his real motive is easily perceptible. The Government of India have not fallen in with him in pampering Manchester and the Secretary of State is annoyed at the independence shewn by them. This is the head and front of Lord Northbrook's offence, but he has the sympathy of all right-minded men in this sowewhat unequal contest.

Secondly, the passage of the Tariff Bill. This Bill was passed at Simla in the absence of the non-official members of the Council. With a good shew of reason the Secretary of State makes a point of this fact. He remarks :

"It could obviously have only been a deep sense of the urgency of the measure which led your Excellency to adopt this form of proceeding. In providing that laws for India should be passed at a Council consisting not only of the ordinary members of the Executive Government, but of additional members specially added for the purpose (of whom some have always been unofficial), it was the clear intention of Parliament that in the task of legislation the Government should, in addition to the sources of information usually open to it, be enlightened by the advice and knowledge of persons possessing other than official experience. Of these you were unfortunately deprived in discussing subjects in respect to which the assistance of mercantile councillors is of especial value. The rapidity of your procedure prevented you from receiving from external sources and in an informal shape, the counsels which, in consequence of the time and place of legislation, could not be tendered in debate.

I am aware that there are precedents for the practice of introducing and passing financial measures in a single sitting. But this practice has hitherto been pursued only at Calcutta and in presence of the unofficial members and, under those conditions, any objections to it apply only in a mitigated degree.

I cannot concur with your Excellency in thinking that the urgency of the case was such as to justify either your failure to inform me of your intentions to legislate upon this subject, or the sudden action by which your proposals have been converted into law. By "urgency" it was not my intention to express the state of things in which an earlier is preferable to a later passage of a proposed measure ; for such a condition exists in respect to all measures which are improvements. I rather intended to indicate those measures which could not be delayed without serious public evil. In order, however, to avoid any misapprehension due to the ambiguity of the word, I request that, in future, when you contemplate withdrawing a measure from the operation of the Legislative Despatch of 31st March, 1874, on the ground of urgency, you will, without delay, communicate your intention to me by telegraph.

You urge as an additional reason for immediate action that "it is obvious that prolonged discussions pending a reference to Her Majesty's Government with regard to measures involving alterations of Customs duties, could not be carried out without a disclosure of the intentions of Government, which would be productive of considerable inconvenience to trade" I cannot but hope that your Excellency over-rates the difficulty of keeping an official secret. The number of persons to whom your final recommendation need be made known is very small, and in case of any betrayal of confidence, the offender could hardly fail to be detected It would be little less than a scandal, if your Excellency were unable to refer for instructions to Her Majesty's Government for fear of the subject matter of the reference leaking but."

In a great measure the Secretary of State is right on this point. For our part we think that all legislation ought to be conducted in the capital. The atmosphere of Simla is not suited to constitutional work. Away from the seat of public opinion, removed from men best competent to advise the Government, and without the wholesome check of the press, the Government cannot be expected to be in a healthy frame of mind to perform the task of legislation in that dark recess of the empire. Our objection therefore applies to legislation at Simla as a rule, but the Secretary of State is not quite clear upon that point. As regards the Tariff Act the Government of India, it should be borne in mind, did not act suddenly. It had appointed a Committee consisting of both official and non-official members, and the only defect in the composition of that Committee was the absence of the native element. The Committee had reported and the Tariff Act was based upon their report except upon one point, namely, the imposition of import duty on raw cotton. The mercantile member of the Council was represented in the Committee, and his opinion being known the Government of India could not justly be blamed for passing the law in his absence. So much for the passage of the Tariff Act.

Thirdly, the effect of English influence on Indian legislation. The Secretary of State plainly hints that Manchester is all-powerful and that it ought therefore to be allowed its own way. The cotton duty, he says," is too much at variance with the declared policy of England to be permanently upheld, but if the task of dealing with it be long postponed it will be the subject of controversy between interests far more powerful and embittered than those that are contending over it at the present time. On these grounds I am of opinion that the recent opportunity when you had resources available for the reduction of import duties, should have been taken for reducing this duty, with a view to its ultimate abolition." This is a most humiliating confession. Because Manchester is powerful, the people of India are therefore to be sacrificed to it. If this is the deliberate conviction of Her Majesty's Minister, what hope of justice can the dumb millions of India have ? If he cannot resist the pressure of a few Lancashire men who is to protect them ? We bow down our head with despondency when we read the opinion of the Secretary of State that "the gradual transfer of the Indian trade from the English to the Indian manufacturer will be attended with much bitterness of feeling." Lord Salisbury professes to be an advocate of free trade, and yet he condemns Lord Northbrook for reducing the import duties generally from seven and half to five per cent, be-

cause he has not further reduced the existing five per cent duty on cotton goods. Is this consistent? Why should the cotton manufacturer of Manchester alone have a preference and not the importer of other goods? Lord Northbrook's policy is plain. He is just and impartial. He has equalized the import duty on all classes of goods, and if the future condition of the finances should admit of a further reduction of this duty he has left it to his successors to carry out his policy. He has not shown favor to this class or that, and because he has not done so he is censured by Her Majesty's Minister. What a spectacle of political morality does the party feeling of the Secretary of State present to the people of India! Lord Salisbury talks of cheap clothes for the poor Indian, but if the coarse fabrics which the poor wear are principally manufactured in this country, that philanthrofic plea scarcely holds water.

These are the main issues suggested by the controversy between the Secretary of State and the Governor General on the Tariff question. But the greater question remains behind. Constituted as the Government of India is, our safety lies in the conflict of opinion between the different members of the Indian bureaucracy. We care not for party cries of governing India in England or in India; they are simply misleading. It is not a question of theory, but of practical good Government which is at stake, and if we find that governing India in India in the hands of a rapacious and unscrupulous Governor General is attended with the greatest mischief to the best interests of the people of this country, we should prefer the Government of India in England, but if the Secretary of State should betray his trust and the Governor General should remain faithful to his, we should certainly prefer the latter. What we want is an honest adherence to the righteous doctrine, not by the first time laid down by Lord Northbrook, namely, that the best interests of the people of India demand the first consideration of its governors, in other words that India should be governed for India, and so long as that principle is faithfully carried out, we care not for any theory of Government. As H. R, H. the Prince of Wales is reported to have said. if you find a good man stick to him, and we say this irrespective of the latitude in which he may be placed. Unfortunately the exigencies of party politics will not allow the Secretary of Sate to remain in office when his party goes out of power, and we should therefore stick to the good man in India if we could find him. But however the Indian may propose, the Great Mogul at the India Office disposes according to his own view. Such is the fate of India!

THE INDIAN LEGISLATION BILL.

THE TEXT of the Indian Legislation Bill has been published. At first sight it does not appear to be so much open to objection as we were originally led to believe, but the history of the measure does certainly furnish cause for alarm. In the first place it re-enacts the powers of the several Indian Councils for legislation. It provides:

The Governor-General of India in Council at meetings for the purpose of making laws and regulations, shall have power to make laws, as follows:—

(*a.*) For all persons whatever, all courts whatever, and things whatever, throughout the Indian territories under the dominion of Her Majesty:

(*b.*) For all persons, being Native Indian subjects of Her Majesty, without and beyond, as well as within the said territories.

(*c*) For all European British subjects of Her Majesty, and for all servants of the Government of India, within the dominions of Princes and Native States in India in alliance with Her Majesty:

(*d.*) For all persons on the high seas on board British ships on a voyage between any two ports in Her Majesty's Indian territories, or on a voyage from any port in the said territories to any port between twenty-six degrees of south and thirty-two degrees of north latitude and between thirty-two and one hundred and four degrees of east longitude, the ship being intended to return from such last mentioned port to any port in the said territories or on any such return voyage:

(*e.*) For the repeal or alteration of any laws now in force in the Indian territories under the dominion of Her Majesty or in any part thereof, except in the cases hereinafter mentioned.

(*f.*) For the repeal or alteration of any provisions in the Letters Patent of any High Court, under whatever authority the same may be or may have been granted.

Provided, that the said Governor-General in Council shall not make any laws or regulations which may affect the authority of Parliament, or which shall repeal or be inconsistent with any of the provisions of the Acts or part of Acts of Parliament mentioned or referred to in the Second Schedule hereto which are now or hereafter may be unrepealed.

Clause *f.* confers a new power upon the Governor General in Council, and may be so applied as to "muzzle" the High Courts. The tendency of Indian legislation of late years has been to reduce the powers of the Civil Courts and to increase those of the executive. The real bulwark of the liberty of the people of India is the High Court, and any encroachment upon it would be not only a violation of the constitution but dangerous to the true interests of India. We gave last week the circumstances, which have apparently led to this measure. There are other cases, which shew that the tendency of the Executive Government is to weaken or override judicial authority. We give below two other cases, which are thus summarized in the brochure on the Indian Legislation Bill noticed in our last:

"A wealthy landowner in the Presidency of Bombay, the Thakur of Koth, having, a few years ago, died, leaving a widow pregnant at the time of his death, the Bombay Government seized his estate and forcibly took possession of £8,400 of stock held by the widow, besides a balance of £174 6s. in the Savings' Bank, and a sum of £23 6s which she had placed in the hands of her lawyer. The unfortunate woman gave birth to a male child, and, as his guardian, claimed her late husband's property, but every obstacle was placed in the way of her getting it, and it was attempted, through officers of the Government, to destroy her credit and character, in order to prevent her obtaining loans for prosecuting her suit in the Courts of Law. She succeeded, however, with the assistance of friends, in appealing to the Civil Court of Ahmedabad, and in obtaining from it a certificate establishing her rights; but the Government ordered the judge to revoke that certificate and the judge obeyed this illegal order. The widow then appealed to the High Court of Bombay, when every effort was made by the Government, to set aside the jurisdiction of that Court; and the intended spoliation would have been definitively accomplished, had such endeavour been successful. But the Court maintained its right, and a perusal of the judgment, delivered by it, can alone give any adequate idea of the persecution which the widow had suffered, and of the unscrupulous and disgraceful means by which the Government had sought to encompass its iniquitous purpose. The Chief Justice said: "I have met with no other case in the course of my experience which bore plainer marks of *falsehood* and *fabrication* . . . . . One most extraordinary circumstance is that after a long contest in the courts, the Government, through their officers, requested the judge at Ahmedabad to revoke the certificate (a certificate based upon a judicial), and the judge was weak enough and ill-advised enough to suspend it. . . . . Furthermore, there was a hue-and-cry throughout the country, raised through the officers of the Government, to destroy the woman's credit in order to prevent her fighting her own and her son's battles. That was a very extraordinary course for the Government officers to pursue . . . The conduct of the Government unnecessarily protracted the proceedings . . . . Under all these circumstances . . . judgment must go for the plaintiffs for the amount claimed with costs."

The costs are said to have amounted to £30, 000; but the financial question dwindles into insignificance, when compared with the disgrace which the conduct of the Executive brought in that instance on the British Government in India.

In the next case, it was also a woman that was selected for spoliation. The seclusion of Oriental life, in the upper classes of society, places females in India at a great disadvantage in protecting their property.

Shortly after the Mutinies of 1857-58, Thakurain Sukraj Kuar, a Hindoo lady of Oudh, was forcibly dispossessed of her lands on the plea of her disaffection to the British rule. The Government however, had been misinformed regarding this ladys conduct, and had adopted the above course, without affording her any opportunity of justifying herself. There being no independent Court of Law in the Province, the Thakurain had to appeal against the action of the British Government, to an officer of that very Government, the Assistant Commissioner of Oudh, who discharged both Executive and Judicial functions. A full investigation into her case proved the confiscation of her lands to have been unjustifiable, and a decree was given for their restoration. The Government discovered, some technical irregularity in the proceedings, and, availing itself of the same, had the case referred to a superior officer, the Deputy-Commissioner of the Province. This second trial also resulted in favour of the lady; but the Government, loth to acknowledge its error and to make amends for the injustice it had committed, persisted in the perverse course it had entered, and suspended the execution of the decree, referring the matter to the Chief Commissioner or Head Executive Officer of the Province. left the poor widow bereft of her property. There was no tribunal in India to which she could appear from this last decree; but her friends prevailed on her to lay her case before Her Majesty's Privy Council in England; and, after years of anxiety and privation, she obtained in 1871 the reversal of the Chief Commissioner's decree, and an order for the restitution of the lands of which she had, for some thirteen years, been unjustly kept out, through the powerful action of the Government of India.

The following passages in the judgment delivered by the Privy Council will show the sense which the judges entertained of the conduct of the Indian authorities. "The case, in its original hearing, was investigated with a care that cannot be too highly praised, and the Assistant Commissioner, acting as judge, pronounced in the lady's favour." . . . . When, on appeal to the Deputy Commissioner, the original decree was confirmed, "the matter should have rested there. It appears, however, that the plaintiff's villages had been included in a grant to an Oudh loyalist . . . . and it was thought that it would be very embarrassing, if the grantee were obliged to give up the subject of his grant to the rightful owner; and, accordingly, a further appeal was made to the Chief Commissioner, who reversed the decree of the subordinate officers, and the poor widow was thereby left stripped of her whole property." The next passage in the judgment shows that the decision of the Chief Commissioner could be justified neither by the facts of the case nor by law, and that it must, therefore, be ascribed to an extraordinary degree of inaptitude or to partiality. The passage runs thus: "It would be a scandal to any legislation if it arbitrarily and *without any assignable reason*, swept away such rights (as those possessed by the plaintiff); and, in this very painful case, it is, at all events, agreeable to their lordships to find that no such scandal attaches to the Laws or Regulations or Government in force in Oudh; and that the cruel wrong, of which this has been the victim, is due to the misapprehension of the law by the Chief Commissioner, . . . Their lordships cannot but express a hope that, by an act of prompt justice and a liberal estimate of what is due to this lady, the Government will relieve her from further litigation. She had two decisions in her favour, carefully and correctly adjudged, which, as they were consistent with the plainest principles of justice, it should have been the effort of an appellate tribunal, unless the law controlled it to maintain."

Two years elapsed, however, before the Government of India sanctioned the payment of a compensation to the widow.

Had the Chief Commissioner of Oudh erred in this case through incompetency, the Government would doubtless have marked its sense of his conduct by censure, if not by his removal, to some post of lesser responsibility; but, far from being censured, he was rewarded by promotion to the post of Lieutenant-Governor of the Punjab; and this circumstance could not but create an impression, in the minds of the public that the officer had acted with the concurrence and to the satisfaction of the Government.

These cases shew the necessity of maintaining the supremacy of the High Courts in India. Whatever legislation might be necessary to regulate the powers of the High Courts from time to time, such legislation ought to be supplied by the Imperial Parliament. To give power to the Indian Legislature to curb the High Court would be simply to aggravate the evil, which is so rapidly growing in India, *viz.*, the overshadowing of the judicial tribunals by the executive. Then the Secretary of State takes power not only to disallow a law, but also portions of a law. This provision runs as follows:

"Whenever any law or regulation made by the Governor of Fort St. George in Council or by the Governor of Bombay in Council, or by any Council constituted or hereafter to be constituted under the forty-fourth and forty-fifth Sections of the Indian Council's Act, 1861, at a meeting for the purpose of making laws and regulations, has been assented to by the Governor-General of India under Section forty of the said Indian Council's Act, he shall transmit to the Secretary of State for India an authentic copy thereof; and it shall be lawful for Her Majesty to signify through the Secretary of State for India in Council, her disallowance of such law, or of any part of such law; and such disallowance shall make void and null such law, or such part of a law, from and after the day on which such Governor or the Lieutenant-Governor presiding over such Council shall make known by proclamation that he has received the notification of such disallowance by Her Majesty."

Much may be said on both sides of the question raised in this section. The Secretary of State may approve of a Bill as a whole, but may not assent to particular provisions, and it might be conducive to public convenience if the Secretary of State were to disallow the portions which he might consider objectionable. But on the other hand this power may open a wide door to interference. If the Secretary of State were so inclined he might bring the Government of India to a deadlock by a vexatious exercise of this power. On the whole we think that the present practice of the Secretary of State of disallowing a Bill for reasons stated by him, which are a sufficient guide to the local Government in amending the law, is advantageous to the public, inasmuch as the amendment necessitates a further discussion of the measure proposed. The Government of India, which has the power of initiation, is then enabled to review its action, and if it thinks that the projected law would answer the purpose, for which it might have been introduced, it may proceed with it or abandon it altogether. But under the proposed section it will be obligatory upon the Government of India to carry out a law without perhaps what in its opinion might be its backbone, because the Secretary of State had knocked it out. This is the difference which the new Bill will cause in the position of the Government of India, and which we humbly think will not be conducive to public interests.

As regards the power of the High Court to pronounce a law passed by the Indian legislature *ultra vires* the provision is as under:

No law heretofore made or hereafter to be made by the Governor General of India in Council, at a meeting for the purpose of making laws and regulations which has been assented to by the Governor-General, and which has not been disallowed by Her Majesty, shall be deemed or taken to be invalid in whole or in part by any court of justice in India for any cause whatever, except in the cases and to the extent hereinafter provided.

Provided that if a division of any High Court in India consisting of the Chief Justice and two other Judges of such High Court one of such Judges being a Barrister-at-Law, shall in any case coming before them in the exercise of their appellate or extraordinary original jurisdiction, be of opinion that any part of any such law as aforesaid is repugnant to any provision of any Act of Parliament which the Governor-General of India in Council has not power to repeal under the provisions herein contained, such division may give judgment that so much of such law as is repugnant to any such provision is invalid. A copy of every such judgment shall be forwarded by the High Court, by the division of which it is given, to the Governor-General in Council, who unless he shall think fit to repeal so much of the said law as is adjudged to be repugnant to any such Act, shall forward a copy of such judgment to the Secretary of State for India, and it shall be lawful for the said Secretary of State in Council to appeal against such judgment to the Judicial committee of the Privy Council, whatever may be the nature of the case in which, or the value of the subject-matter in relation to which, such judgment is delivered, and whoever may be the parties thereto.

Provided further, that if it appears to any court martial held under the provisions of any Act of Parliament for the punishment of mutiny and desertion, in any case brought before them that the provisions in any law of the Governor-General of India in Council, are inconsistent with the provisions of any Act of Parliament, such court martial shall regulate its proceedings according to the Act of Parliament,

and not according to the law of the Governor-General of India in Council, notwithstanding the provisions hereinbefore contained.

We have no objection to the provision, but we cannot form a correct estimate of its scope and probable effect without seeing the schedule to which the Bill refers. We submit that no Act of Parliament should be interfered with by the Indian legislature without the direct sanction of Parliament.

8

AN INDIAN HOUSE OF LORDS.

THE *Times* in a generous fit ventilated the other day the question of associating the leaders of Indian life in the practical work of administration. Some of our contemporaries have been wondering as to what their great brother means. One of them says that the *Times* would have done better service if it had expressed its meaning in language conveying some intelligent idea. "There is," says this writer, "no more intricate problem before Indian rulers than that which the *Times* in its light-hearted ignorance now desires them to accomplish—as if the nation is altogether a new one, that no one else had hitherto been clever enough to think of or as if it were merely impeded by the selfishness of a big-otted bureaucracy." Need we say that the writer wholly misunderstands the *Times*. The Thunderer has been apparently struck with the loyalty of the Native Princes in the brilliant receptions they gave to His Royal Highness the Prince of Wales, and justly considers that they ought to be rewarded by the Empress of India. In the dark days of the Mutiny the Native Princes saved the vessel of the Indian State from shipwreck by profferring their services; and Her Gracious Majesty the Queen rewarded them by granting them estates, recognising their right of adoption, and creating for them a new patent of honor. Similarly the loyalty exhibited by the Native Princes as a body to the Heir Apparent to the Throne deserves a gracious recognition. How deep and sincere is the feeling of loyalty among them may be perceived from the utterances of one of these princes in an address of welcome to H. R H. on his arrival in his territory. "In all the places," says the Raja of Dhar in his address to the Prince, "Your Royal Highness has been pleased to visit, the Native Chiefs, as well as the people in general, seem to have vied with one another to manifest their deep-rooted allegiance to the British Crown, and their sincere loyalty to the present Maternal Sovereign, Her Most Gracious Majesty; to welcome with enthusiasm and joyous acclamation the Heir Apparent of the Crown; and to show, as far as possible, their firm attachment and fidelity to Your Royal Person, by means of the splendour of their gorgeous hospitality." There is a touch of pathos in the concluding lines of the address, which we have much pleasure in transcribing below:

"But if hearts could be laid open and displayed, Your Royal Highness could have seen how enthusiastically loyal I am at heart. I hope therefore that in recounting at home all the festivities, receptions and entertainments, your Royal Highness will be pleased to remember that the representative of the old line of Rajah Bhoja at Dhar was very glad when he had the honor of paying his respects to your Royal Highness, to find an occasion to express his feelings of attachment and his allegiance to the British Crown:— would feel proud if his sentiments of devotion and loyalty be conveyed, as well as those of other Princes, to Her Most Gracious Majesty and to Your Royal Consort:— and would value nothing so much as the good-will of Her Most Gracious Majesty, the good-will of all the members of the Royal family, the good-will of the British Parliament, the good-will of the Representative of the Crown here in India, and to be short, the good-will of the whole English Nation.

Such is the feeling of attachment of not only this Native Chief but also of his brother Chiefs to the British Crown, and is it not meet that their loyalty should be recognised by Her Gracious Majesty the Empress of India in some substantial and honorable manner? It is certainly a puzzling question as to how this recognition is to be made. In our humble opinion the Empress of India will commemorate in a most suitable and agreeable manner the distinguished visit of her eldest son to her eastern empire, if she will establish what we may call an Indian House of Lords or a Diet of Native Princes. To this Diet may be invited the principal native potentates and to it may be referred for arbitrement all disputes between the British Government and the Native Princes. At present the Native Princes though independent in their own dominions are absolutely dependent upon the British Government for the maintenance of their dignity. The stability of their authority depends chiefly upon the good will of the British Resident. This functionary too has a serious responsibility; he is the accredited agent of the Paramount Power in the Native Court, and it is his duty to aid and advise the Native Prince in all matters in which such aid and advice may be solicited or may be necessary in the interest of the people of the State. His task is both delicate and difficult, and it has not unfrequently been seen that whether he wills or no he is practically the master of the Chief. Such relationship between the representative of the British Government and the Chief necessarily produces jealousy, dissatisfaction and discontent. We are pursuaded that the feeling among the Native Chiefs would take a different colour altogether, if a tribunal were established for the purpose of amicably settling all differences between the Princes and the British Resident or the British Government. Instead of depriving the Native Princes of their right to rule by the fiat of the Governor General or the Secretary of State in case of abuse of power or oppression of their subjects or on the score of other shortcomings, it would be consistent with their self-respect and conducive to the ends of justice if in all cases of differences of opinion between themselves and the Paramount Power they were made amenable to a Diet such as exists in Germany. The Diet would be a sort of a Royal Court of Appeal and its verdict is sure to command respect and confidence. Cases like those of the Nawab of Tonk and the Gaekwar of Baroda might be tried by this Court. Even if questions connected with the internal policy of the Native States were referred to this Diet for settlement, its decision would not fail to receive general sympathy and support. An Indian House of Lords would be certainly a novel institution, but through its instrumentality the Native Princes would enjoy greater liberty than they now possess. It is therefore eminently worthy of the consideration of Her Majesty's Government as to whether some means may not be devised for associating the Native Princes in the work of practical administration. We have pointed out one mode of doing it and if the Government be really in earnest it cannot fail to hit upon some thing, which will be gratifying to the Native Princes and at the same time honorable to itself.

INDIA FOR MANCHESTER.

SOME of our contemporaries have been curious enough to enquire what reward will be given to the people of India for the marked loyalty they have shewn to the British Crown in the enthusiastic demonstrations they made in welcoming their future Emperor. Their curiosity will be gratified by the following reply of Lord Salisbury to a Lancashire deputation regarding the Indian cotton duties, which we copy from the *Times*:

"Lord Salisbury said that he need not say that he had listened with very great interest to the representations which concerned the interests and the feelings of so large and so important a class of the community and which appealed very clearly to the sympathies he himself cherished. It was not the first time that he had the pleasure of communicating with a Lancashire audience upon the subject of these Indian cotton duties, and as allusion had been made to it, perhaps they would allow him to repeat what he had said when he had the honour of addressing the Manchester Chamber of Commerce some months ago. He then expressed his belief that the effect of those duties on the relative position of Lancashire and Indian manufactures had been exaggerated. The English manufacture was already handicapped by the advantages possessed by his rival in climate, proximity to the market, and to the source of production, which must largely give him advantages in the case. (Hear, hear.) He was conscious that this was a duty illegitimate in theory, and one about which the Lancashire manufacturers had a right to complain, and one that could not be looked upon as a permanent source of revenue to the Indian Exchequer. This expressed the policy which Her Majesty's Government were prepared to pursue. they had given directions to the Indian Government that before any measure of importance was introduced into the Legislative Council, unless it was matter of great urgency, they should communicate their proposals to the Home Government in order that the latter might require any modification of them that seemed necessary. That order had been misunderstood, and to his astonishment he had received a telegram saying it was their intention to pass the measure changing the tarriffs and bringing about considerable reduction in the import duties, but that no reductions of the cotton tariffs had accompanied them. He had not the slightest inkling of this, and had he knewn of such an intention before the Act was proposed he should have objected to the reduction of any import duties before the cotton duty was dealt with. He retained the opinion that the import duty must go, but was not prepared to recommend any new tax in substitution for it. It would require the philosopher's stone of finance in India to raise a tax like the income-tax there. It has been tried, but had proved a lamentable failure. His lordship concluded by saying that he promised that precise instructions should be sent to find a sufficient to accomplish all they wanted, which he had no doubt the Indian Government would obey; and if the Government were fortunate in their finance he hoped the objects of the deputation would be obtained."

Yes, the cotton duties must go, and India should be governed for the benefit of Manchester! This is the reward for the devoted loyalty of the people of India to the British Crown. Mind, this is not interested Indian opinion, but it is endorsed by the great organ of the British nation, we mean the *Times*. The leading journal says: "A Lancashire deputation waited upon him yesterday to urge the entire abolition of the import duties on cotton and cotton goods brought into India. The operation of these duties was ludicrously magnified by the spokesmen of the party. One of them talked of a duty of 5 per cent. as threatening an entire extinction of the cotton manufactures of this country, while another declared that it would transfer the manufacturing interest of this country to India. An import duty of 5 per cent. can have, we believe, but little effect on the development of the cotton industry of Bombay, and it can have no appreciable influence on our trade with other customers. In other markets the Lancashire and the Indian manufacturer must compete side by side, and the utter extinction of the cotton manufactures in this country with all the world but India open before us is a fanciful and excited dream. If the Secretary for India had braced himself up to rebuke with a little more distinctness the panic of his friends, he would have done them a kindness, but it is even more to be regretted that he made no attempt to lead them to understand that his primary duty in administering his office was to consider the circumstances of India, and not of Lancashire. His language must have tended to confirm an impression he should be sedulous to dissipate—that Indian opinion is an element in the Government of India which a Secretary for India may rightly disregard."

Are we then wrong in holding that the reply of the Indian Minister amounts to this—that India should be governed for the benefit of Manchester? The *Times* takes such a sensible, just, enlightened and generous view of the whole question that we cannot resist the temptation of reproducing the article bodily. We have therefore much pleasure in making room for the following extract:

"In India there is no independent authority which can resist improper pressure here, and it becomes doubly the duty of the Secretary for India to require that respect should be shown to Indian opinion by those who would have the Peninsula governed without regard to it. Lord Salisbury, or whoever may at any time fill his office, is bound to supply for India that degree of independence of purely English views which a Colony possessing the privileges of responsible government can exercise for itself. This is without doubt a difficult duty to discharge, and it is probably more than ordinarily difficult for a statesman of Lord Salisbury's temperament. We have no doubt that it would be better for India if the import duty on cotton goods could be abolished. It cannot, however, be done at present, because the Indian Treasury could not afford to lose the £800,000 a year which the duty produces, and no one has been able to suggest a tolerable substitute for this source of revenue should it be abandoned. But, even if the Indian Exchequer were sufficiently rich to be able to dispense with this income, its instant abolition would not be so easy as may at first sight appear. The cotton manufacture of India is essentially a native industry. The mills which have sprung up at Bombay have been established by native capital and are worked by native labour, and the European superintendence, which was at first required for their management, has been gradually dispensed with. The prosperity of these mills has, no doubt, been favoured by the import duty on cotton goods, but the better opinion is that the natural advantages of cheap labour and the proximity of the supply of raw materials are such that the cotton industry of Bombay would flourish and increase even if the duty were abolished. However soon the tariff may be purged of the duty, this increase must be expected to proceed at an accelerated ratio. But Native opinion, not in Bombay only, but in Bengal and throughout British India, is that the import duty is a valuable support of the Indian cotton industry, and its abolition under pressure from Manchester is resented as sacrifice of India for Parliamentary purpose. A wise ruler of India may not neglect this opinion, although he knows it to be economically wrong and politically unfounded. He will still make it a part of his policy to abolish the duty, but he would endeavour to do this, carrying Indian opinion with him, and not by an exercise of irresponsible authority in contempt of that opinion. Lord Salisbury himself, in the recently published despatch to Lord Northbrook has shown some consciousness that the question of the abolition of the Indian Cotton Duty is political as well as economical, but he proceeds to draw the wrong practical conclusion from it. The existence of the duty involves the possibility of a conflict between India and Lancashire, and this danger should, he seems to suppose, be removde

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by yielding to Lancashire and abolishing the duty. We rather see in it a reason for sending the complainants back to Lancashire corrected. There are many reasons for giving way to a pressure which is felt because it is near us, and for neglecting distant murmurs; but an Indian Secretary neglects the primary duty of his office who does not always remember that upon him rests the burden of representing India so as to make up for that want of power to express its ideas and wishes which, by the nature of the case, it cannot possess.

These sentiments are eminently worthy of the national organ of England. Could anything be more humiliating to the people of India than to know that the arbiter of their destinies cares more for the interests of a handful of Lancashire men than for those of the millions entrusted to his care? These are dumb, and cannot therefore make themselves heard in England. The Secretary of State is their natural protector, and if he throws them overboard to please a knot of selfish but powerful agitators, what hope of justice have they? It is all very well for English philanthropists to say that India is governed for the benefit of India, but when the practice differs so widely from profession and promise, the disappointment cannot but be most poignant and crushing.

THE AGRARIAN DISTURBANCES BILL.

THIS Bill may be characterized in the language of the logician *reductio ad absurdum*. It starts with an assumption that the present rent-law is insufficient and unsatisfactory, that there is consequently misunderstanding between the zemindar and ryot, that the courts are helpless, and that complications necessarily occur, which give rise to disturbances, which it is of course the duty of the Government to put an end to. The Lieutenant-Governor in his minute on the last Administration Report says, that Act X of 1859 "has raised up a class of men with an occupancy status—that is, a class of men who, having held for twelve years or more, would not be liable to ejectment while they paid their rent, nor to enhancement of rent save by decree of a court of justice. The effect of this rule, which has operated now for fifteen years, has, according to all accounts, been very great. Many experienced natives believe, that the great majority of cultivators have acquired this occupancy status, and that the mere tenants-at-will are comparatively few. At first the zemindars either acquiesced in, or took no pains to prevent, this gradual change. And although some zemindars do insert provisions in the leases to prevent this status accruing to the tenants, still the majority do not either because they acquiesce, or because they cease to resist what they regard as inevitable. The general consequence is that the bulk of the ryots or cultivators have become much raised in position." But the rent of occupancy ryots was declared to be liable to enhancement under certain conditions. "Of these conditions," His Honor remarks, "the most important was this, that the value of the produce, or the productive powers of the land, must have been increased otherwise than by the agency or at the expense of the ryot. Around this condition are clustered various questions which excite more lively interest than any other questions in Bengal at the present time. The growth of the export trade in agricultural produce has greatly augmented the profits of cultivation to the cultivators. The zemindar considers himself entitled to a share in this improved income, and he founds his demand on the condition above cited. The ryot hesitates to comply altogether; he will pay something additional, but he will not accept the arbitrement of the zemindar, and he is disposed to join issue at law. He will withhold payment of rent altogether if he cannot come to terms with the landlord. We frequently hear that the tenantry of such and such estates are refusing to pay rent: the truth is that they are disputing with the landlord the terms of enhancement. Some times the zemindar is resolute; then the ryots resist, violence occurs on both sides, and cases techincally termed 'rioting' arise. Combinations are formed on both sides; the ryots especially set up unions with many hundreds of members, and subscribe to a general fund for law expenses." His Honor concludes: "If it be conceded that agrarian disputes extending over considerable tracts of country, relating to large numbers of land-owners and cultivators, beginning with riots and ending with serious litigation, constitute an evil, then the state of the rent-law is very unsatisfactory, as failing to give any power to the land revenue authorities—that is, the Collector and his officers—for the prevention of such disputes." The question then arises—will the mere transfer of rent-suits from the Munsif to the Collector prove a panacea for the ills complained of? We fear not.

But this is what the Bill contemplates. Its object is two-fold, 1*stly*, the adjustment of rent, and 2*ndly*, the realization of arrears of rent. The first question is by far the most important. On what principle is the adjustment of rent to be effected? The Bill provides that wherever it may be extended the functions of the Civil Court will be suspended; that the Collector shall take the place of the Munsiff and decide all suits under the Rent Act. The Lieutenant Governor shall issue instructions specifying any matters of fact into which the Collector shall enquire; the Collector shall make a report through the Commissioner to the Board on these matters of fact, and the Board shall issue instructions in respect to the determination of each of the matters specified for enquiry, and the Collector in the disposal of the suits shall as far as possible follow the procedure prescribed in Act X of 1859, and decide all suits in accordance with the order issued under instructions of the Board referred to above. Now what is the meaning of all this? Is it meant that the Collector shall decide the suits according to his own discretion, having regard to the matters of fact determined by the Board, or according to the principles laid down in Act X of 1859? If the latter—are the principles of Act X workable? It is admitted on all hands that the principles for enhancement of rent prescribed in Act X. of 1859 are so unworkable that they have brought suits relating to the same to a dead-lock. This is admitted by judges, lawyers, and the Government itself. Why then commit the absurdity of referring back the Collector to those very principles which have brought about the present state of things? As for finding matters of fact we admit that the Collector by local enquiry may come to a better understanding of facts than the Munsiff. But the latter can also take evidence upon matters of fact. It is true that the Munsiff by reason of his legal training is more technical than the Collector. But the mere transfer of jurisdiction without settlement of principles for fixing the rent will not solve the difficulty. It will then come to this that inasmuch as it is provided that the Collector shall follow as far as possible the procedure of Act X of 1859, he will have a wide discretion, and substitute his own judgment in lieu of the dictum of law, whenever he may think fit to do so. In other words the Collector's discretion will be the law for the time being. Now, it is observable that as the Bill is framed neither the Board of Revenue nor the Government will have any voice in the determination of the principles for the determination of rates of rent. The Board will issue instructions upon matters of fact, and the Collector will apply these instructions according to his own judgment. Justice will consequently depend upon the intelligence and personal sympathies of the Collector; if he should take a view adverse to the ryots he might ruin them *en masse*, but if he takes a hostile attitude against the zemindar, he might similarly ruin him. Is such legislation worthy of a civilized Government? Is it meet that the discretion of the revenue officer should be allowed to supersede the action of law to the detriment of the vast interests of the landed classes, which constitute the backbone of the nation? Why does not the Government meet the evil boldly in the face? Why does it not apply the probe to the real seat of the disease, and enforce the right remedy? It is the law, and law alone which is at fault, and neither the judiciary nor the executive, neither the zemindar nor the ryot, who is to blame. Could anything be more illogical and impotent than to keep the law as it is, only to save appearance, and by a side-wind give power to the Collector to set it at naught? The object of the proposed law is said to be to prevent agrarian disturbances, but it will we fear tend only to foment disputes between the landlord and the tenant. The Bill gives power to the Lieutenant Governor to extend the law to any district on the application of either the zemindar or ryots, and there is nothing in it which would prevent him from proclaiming it on the petition of even two ryots if he should so wish. If the zemindar find that a Collector is favorable to the zemindari interest, he will not fail to make the necessary application, and if the ryots find that the Collector is similarly well-disposed towards them they will not hesitate to avail themselves of the new law. Thus the Bill will arm both the zemindar and the ryot with an instrument for each other's ruin, and instead of giving peace will produce deadly feuds and disorder. Such is the tendency of this measure and in all humility we warn the Government in time. It has been certainly actuated by a laudable desire to throw oil over troubled waters. But if the Bill passes in its present form it will we fear produce much greater trouble than what it has been our lot to witness.

Since the above was set up we learn that the Bengal Council has decided to insert rules and have provisionally adopted certain rules for the guidance of the Collector in the determination of rates of rent. We have neither time nor space to discuss these rules in the present issue.

THE LATE THEATRE CASE.

THE decision of the High Court in the late Theatre case affords one more instance of the truth, which we have always urged in these columns, that the High Court is a real bulwark of the liberty of the people. If the law did not give power to the Court to interfere in this case, the persons convicted by the Police Magistrate would have been now rotting in jail. The judgment of Mr. Justice Phear, concurred in by Mr. Justice Markby, elucidates three important points, 1*stly*, the danger of allowing a Magistrate to try a person without a specific charge, 2*ndly*, the evil of the absence of no record of evidence in a summary trial; and 3*rdly* the necessity of maintaining intact the power of the High Court as a Court of Revision. As regards the first point the following remarks of Mr. Justice Phear bear out what we have noted above:

"The charge preferred against the petitioners and some other persons, upon which they were tried by the Magistrate, appears in the Court book, which the Magistrate has sent up to us, in the following words:—

"Defendants are charged with having on the last instant (March), at Beadon Street, in Calcutta, exhibited to public view certain obscene representations.

"Defendants are further charged with having at the time and place aforesaid, uttered or recited certain obscene words, to the annoyance of others.

Sections 292 and 294 I. P. C."

And the original order, or conviction made and signed by the Magistrate, after hearing the evidence given on both sides, appears to have been as follows—

"ORDER."

"Defendants (2) and (3) Opendronauth Doss and Omirtolall Bose, (the two petitioners to this Court) are found guilty under Sections 292 and 294 I. P. Code, and sentenced to suffer simple imprisonment for one month. Defendants 4,5,6,7,9, 12 and 13 are discharged."

Sd. P. DICKENS, J. P.

The scope of each of the two Sections 292 and 294 of the Indian Penal Code is wide; and it is much to be regretted that the charge against the prisoners was not made specific in regard to the representations and words alleged to have been exhibited and uttered, and to be obscene, before, at least, the accused person were called upon to answer it. And it was certainly very important, both in the interest of the accused persons, and of the public, that the Magistrate, in his decision of the matter, should have stated distinctly what were the particular representations and words, which he found, on the evidence, the convicted persons had exhibited and uttered, and which he adjudged to be obscene, within the meaning of the Sections.

Could anything be more monstrous than that a person should be put on his trial in a criminal court without any specific charge? What would he answer or defend himself against if he were not told the specific charge against him? And yet this is the course, which is sanctioned in the new Presidency Magistrates' Bill.

The evil of not recording evidence in a criminal trial is manifest. This point was thus illustrated in the Theatre case. Mr. Justice Phear remarks:

"Had the case remained as the Magistrate's book represents it, we should have been reduced to the alternative of either practically trying the case *de novo*, or of dismissing it upon the ground that the Magistrate had come to no finding upon which his conviction could be sustained.

Fortunately, however, since the conviction has been impeached by the making of the application for the removal of the case to this Court, the Magistrate has formally drawn up

his specific findings of fact, and his order thereon; and we may now safely assume that this document discloses all that in the opinion of the Magistrate is established by the evidence against the petitioners, within the scope of Section 292 and 294 of the Indian Penal Code.

And the new Bill would perpetuate the evil of no record of evidence.

As regards the case itself Mr. Justice Phear has delivered the following judgment:

"Taking, first, that portion of his finding which refers to Section 292, we have it thus:—

"Be it remembered that, on the 8th day of March A. D 1876, before P. Dickens Esquire, Magistrate of Calcutta Northern Division, Omirtololl Bose is convicted on a charge of (1) having on the 1st day of March 1876 at the Great National Theatre at Beadon Street in Calcutta aforesaid wilfully exhibited to public view, during the performance of a certain Bengali play, called 'Surendro Binodini' an obscene representation, to wit, the representation of a woman having her Saree stained with blood in front, carried in the arms of a man having his shirt stained with blood in front, intending thereby to represent the immediate results of such woman having been deflowered by such man." A precisely similar finding is stated in regard to the other petitioner, Opendrolall Dos.

We have carefully considered all the depositions and other materials of this case, and we are of opinion that they do not afford ground upon which the Magistrate could legally arrive at this finding of fact, so far as it specifies that which the petitioners intended to represent. And, this being so, it is not necessary for us to discuss the details of the evidence bearing on this point.

The remainder of the Magistrate's finding which refers to Section 294, may be given shortly as follows:—that the petitioner, "in a public place, to wit, the said Great National Theatre, recited and uttered during the performance of the said Bengali play, called 'Surendro Binodini,' certain obscene words, to wit—Have you not got a handsome sister? Send her to my bed one day. I consent to give you some money," and

"Beauty, I can't wait any longer. I am still addressing you in soft words. Consent to bestow your love; if you don't consent, I will take it against your will"; and

"Beauty, come to my embrace. I am not a tiger, or a bear, or a hog. I want to taste your love;" to the annoyance of others.

We are of opinion that these words and passages, whatever animadversion the use and utterance of them on the occasion described may be open to, are not obscene, within the meaning of Sections 292 and 294 of the Indian Penal Code.

It thus appears to us that the grounds upon which the Magistrate has placed his conviction in this case fail; and we can discover in the evidence no other ground upon which it could be legally supported. It follows that the conviction must be quashed, the sentence set aside, and the petitioners released from the obligation of their recognizances."

And this decision shews the necessity of maintaining intact the power of the High Court as a Court of Revision.

Suppose the High Court had no jurisdiction in the matter, what would have been the result? The aggrieved would have had no means of redress whatever. Mr. Justice Phear has done a public service by pointing out to the Magistrate how he should deal with evidence in a case like this. Mr. Dickens had rejected the evidence of the experts and laid the whole stress upon his own opinion, though from his ignorance of the peculiar turns of expressions in the Bengali language he could not be expected to catch the real meaning and spirit of the play. And this point leads us to consider how far the legislature is justified in placing full power in the hands of the Magistrate or Commissioner of Police, presumably ignorant of the vernacular language, to suppress vernacular plays.

There was another point in the case worthy of consideration. The new Presidency Magistrates' Bill requires at least seven days' notice to the Magistrate, against whose decision an application to the High Court is made, before such application is heard. This means that the person convicted by the Magistrate should remain incarcerated for at least seven days. The question of notice was indirectly raised in this case. Mr. Justice Phear remarks:

The learned Standing Counsel, on behalf of the Crown, objected that the order had been irregularly made, because the Crown was not served with notice of the application for it, and was not given an opportunity of being heard upon that application. We are of opinion however, that when, as in the present case, a conviction has been arrived at by the Magistrate, and the petitioner is actually suffering imprisonment thereunder, it is within the discretion of this Court to order, for sufficient *prima facie* cause shown on the application of the prisoner, that the case be removed, without notice to the Crown.

We intimated our readiness to give time to the Standing Counsel, if he required it for the purpose of this hearing; but he said that he was quite prepared to go on with the case without delay.

But if the provision in the Presidency Magistrates' Bill referred to passes into law, this discretion would not be left to the High Court.

Thus the judgment of Justices Phear and Markby in this case has a more than temporary interest. It does not cease with the case itself. By the light, which it throws upon the two Bills now before the Council, viz., the Presidency Magistrates' Bill and the Dramatic Performances Bill, it shews how the liberty of the subject is liable to be put in jeopardy. We do hope that these two bills will be rectified in the light of this judgment. The Government in this country is all-powerful, but does it behove its position to exercise the giant power it possesses as a giant?

THE BOMBAY REVENUE JURISDICTION BILL.

WE ARE sorry to observe that the Government is persisting in the passing of the Bombay Revenue Jurisdiction Bill. Mr. Hope presented the report of the Select Committee at the last sitting of the Vice-regal Council. The only improvement made is a provision empowering the Governor-General in Council, and also the local Government to refer for the decision of the High Court, questions arising in trials, and investigations which, but for the proposed Act might have been dealt by a Civil Court, and it is provided that the case will be disposed of conformably to such decisions. This is a shadowy improvement, for it gives no power to the party aggrieved to refer any question to the High Court. But Mr. Hope did not even approve of it. He said, "that if it had been worked out from the model of Section 204 of Act XVIII of 1875, the N. W. P. Rent Act, which permitted the Collector to refer cases relating to questions of law to Civil Courts, it would have been altogether unobjectionable and exceedingly desirable, and also consistent with the lines which had been drawn in this bill in the proviso, and other parts of Section 4 which had been fully explained in their last report. The section as now drafted left the local Government without any indication of what was the intention of the legislature as to what classes of cases might be referred to the Civil Courts. It was therefore open to the local Government either to leave it entirely a dead letter, or so to leave it as to make the whole Act a dead letter." Mr. Hobhouse remarked that "when they came to shut out people from taking the opinion of Civil Courts upon the validity of sales, the Select Committee thought it necessary to provide in the law itself a certain method of procedure, of certain formalities which, however, they might be provided for by executive orders were not provided for by law. This was so done when the N. W. P. Act was passed simultaneously with the provisions which prohibited Civil Courts from interfering in these matters, which established a formal and more regular procedure for revenue officers." With due deference we submit that Mr. Hobhouse is hardly consistent; if he thinks that a formal and regular procedure is essential to the ends of justice, then the exclusion of revenue suits from the Civil Courts will not promote that object. The procedure prescribed for the revenue officers is summary, and necessarily leaves much to their discretion. It would have been better, if the provision which has been adopted by the Select Committee authorising reference to the High Court had given liberty to both parties to make that reference.

We confess we cannot subscribe to the arguments which His Excellency the Viceroy adduced for passing the Bill. His Excellency said: "All the doubts and objections which the Government and Committee considered worthy of attention and which it might be the opinion of some people objectionable have received attention. He might say that no measure had, His Excellency believed, received more careful and patient attention than this bill, and he might add he believed that, in the whole of India, there could not be found men more capable of giving careful consideration and opinions upon matters contained in this bill than the members of the Select Committee; because they had had the advantage of having upon the Committee not only Mr. Hope, who from his own personal knowledge as to matters concerned in the bill had been able to render reliable assistance to the Council, but also of other members of the Committee, whose knowledge of revenue and other matters in other provinces of India was well known." In other words because the Select Committee recommend the Bill, therefore the opinions of some of the best men including the Judges of the Bombay High Court, who are opposed to it should be set aside. This is a process of reasoning which does not carry conviction to our obtuse mind. The attitude which the Government has assumed in respect of this Bill cannot be too strongly deprecated.

POSTAL ADMINISTRATION OF INDIA IN 1874-75.

The most interesting event of the year, says the Director General, is the formation of a general postal union of the whole of the states of Europe, the United States of America and Egypt for the reciprocal exchange of correspondence at low and uniform rates of postage. India unfortunately was not admitted to the union, but according to the latest advices a satisfactoy arrangement is expected. Independent of the treaty referred to above, reduced rates of postage have been secured for correspondence carried through Germany, France and Italy.

The Director General refers to the improvements effected in some departments of the postal service by means of revision of establishment, and says that a thorough rivision of the Calcutta Post Office "was carefully worked out and its introduction has been followed by signs of marked improvement." We do not know what this means, but if outside testimony is to be believed, "signs of marked improvement" are not perceptible to the public. We, however, notice an important improvement in the department. Field post offices in connection with native fairs were temporarily established near Puri in Bengal, at Hurdwar in the N. W. P. at Thannasar in the Punjab, and at Barwar in the Central Provinces. We think the occasion of every considerable fair might be taken advantage of to establish temporary post offices. There ought at least to be one at Sagur on the occasion of the annual bathing festival.

The postal report bears unmistakeable evidence of the advancement of the people in their knowledge of letters and their increased resort to the Post Office for the transmission of their thoughts. It is also gratifying to notice that the department endeavours to some extent to afford increased facilities for the circulation of this increased correspondence.

The following figures give an idea of the expansion of correspondence:

Year.	Letters.	Newspapers.	Parcels.	Book patterns and packets.	Total.
1873-74.	98,531,623	8,762,200	605,312	1,336,363	109,235,503
1874-75.	104,353,076	9,365,586	792,462	1.608,107	116,119,231
Increase.	5,821,648	603,386	187,150	271,744	6883,728

One hundred and fifty eight fresh newspapers and periodicals were registered in 1874-75 and 90 were discontinued, the net increase was 68, and the total number of periodicals in existence on the 31st March 1874 was 610 in all India. It is remarkable that in the correspondence between India and the United Kingdom the number of covers despatched was in excess of the number received by 566,996, the number of letters despatched was 2,110,560 and the number received 15,43,574.

The amalgamation of the district with the imperial post has been a material cause of the increase of postal facilities to the public without a corresponding increase of expenditure. In Bengal the system is not fully in operation, for in some districts the control still continues under the magistrates, and the advantage of the amalgamation will not be experienced until the law is modified and the funds are placed at the disposal of the postal authorities, of course restraining them from any increase of the burdens on the zemindars. Except where the imperial post has appointed rural messengers to the district post offices there is no manner of facility in Bengal for the delivery of private correspondence except through the agency of constables who take their own time for the work. In Bengal the amalgamation has only increased the burden of the imperial treasury and conferred every advantage on the district post without any corresponding return of an appreciable kind.

As regards the financial position of the Post Office the receipts from private sources only amounted last year to more than 48½ lakhs of rupees while the expenditure was nearly 55¾ lakhs. If the postage on service covers be

taken into account there was a surplus of above three lakhs of rupees, but excluding it the expenditure exceeded the income by upwards of seven lakhs. We think the Department might be made to yield a profit in addition to the carriage of official correspondence if the authorities were in earnest in their retrenchments. We more than once pointed out that the appointment of a single detective officer for the whole of India and keeping him attached to the Director General's office is a mere mockery; a Deputy Director General on a salary of Rs. 1,500 per month for the sole purpose of attending to pure routine office work is a sheer waste of money, his work might be performed with greater efficiency by a Head Clerk or an officer under the designation of a "Registrar" on Rs. 500. While the officiating Director General seems to feel no compunction in cutting the pay of poor Deputy Post Masters on Rs. 15 or 20 a month, he has not scrupled to obtain sanction to a perfectly uncalled-for expenditure in the shape of a travelling post on the Eastern Bengal Railway line. The work of collecting and delivering mails was excellently performed by 9 mail guards on Rs. 90, we have now in their place an elaborate establishment, which costs Government nearly 500 Rs. per month. Again, where is the necessity of retaining two supernumerary Inspectors in the office of the Post Master General of Bengal? There scarcely existed any necessity for two such officers even when Assam formed a part of the Bengal Circle, now it is much less. If the Director General is really desirous to obviate the evil of working with an agency "badly educated and receiving small pay," let him turn his earnest attention to rational reform and retrenchment, and not countenance sham pretexts for perpetuating scandalous jobberies.

LATEST NEWS AND NOTES.

AT LAST Saturday's sitting of the Bengal Council the Calcutta Municipal Bill was passed by the official majority of the Council. The three non-official members, Mr. Brookes, Newab Asgar Ali, and Babu Kristodas Pal protested against the passing of the Bill on these grounds: 1*stly*, because the Bill leaves the appointment and dismissal of the Chairman to the Government and thus destroys one of the essential characteristics of self-government; 2*ndly*, because the Bill sanctions the union of the functions of the Chairman of the Commissioners and Commissioner of Police, which is detrimental to efficiency, tends to divide responsibility, and opens a door to abuse of power; 3*rdly*, because the Bill extends the scope of municipal expenditure, and is thus calculated to lead to additional taxation; and 4*thly*, because the Bill reduces the supply of water at high pressure from 17 to 3 hours, while it raises the water-rate from 5 to 6 per cent., this reduction of water supply being calculated to place the people at a considerable disadvantage and to imperil the success of the drainage system. The non-official members of the Council have thus done their duty; it now remains to be seen whether His Excellency the Viceroy will give his assent to the Bill.

A somewhat animated discussion took place on the Agrarian Disturbances Bill. The Council was divided on the question as to whether any rules should be embodied in the Bill for the guidance of the Collector in the adjustment of rents. The majority of the Council decided that there should be some rules, and they adopted the rules drafted by the Advocate General, which though giving wide discretion to the Collector, are still preferable to none. The rules will be published in next Wednesday's *Gazette* to elicite public opinion. The precipitate haste with which the Council is proceeding with the Bills before it is much to be deprecated.

THERE ARE two points in the Tariff Despatch of Lord Salisbury, which have justly caused surprise. The first is that the cotton duties must be abolished within a term of years, and the second that all bills should be submitted to the Secretary of State before introduction into the several Legislative Councils. The first is simply scandalous, for it shews a desire to work up the Indian finances for keeping Manchester in good humour, regardless of the true interests of India. The second in one sense is much to be desired, for it may prove the much-needed drag on too much activity in the legislative department. The legislative mill is grinding perpetually, and anything which will give the land rest cannot but be beneficial.

THE ANNUAL *conversazione* of the Mahomedan Literary Society held on Thursday last went off with the usual *eclat*. His Excellency the Viceroy and His Honor the Lieutenant Governor and other social notabilities were present. There were the usual scientific performances and exhibitions. The Society took this opportunity to present a valedictory address to His Excellency the Viceroy, to which His Excellency made a suitable reply.

WE ARE requested to remind the subscribers to the Indian Association for the Cultivation of Science to forward their subscriptions to the Secretary Dr. Mohendralal Sircar without delay. Now that the Government has liberally offered to give a house, the subscribers ought not to lose time in paying up. The work of the Association cannot be commenced without money, and the subscribers should therefore pay in their contributions at once. We hope also that those, who wish to make monthly contributions in aid of the Association, will speedily communicate their names to the Secretary. The Association cannot be carried on without a good monthly income.

CONSIDERABLE sensation was caused by an order of Mr. Justice Louis Jackson anent the now notorious Patna Murder Case. It was stated that an order was passed by Mr. Justice Jackson in the English Department of the Court for the transfer of the case to Arrah, at the suggestion of the committing Magistrate, without notice to the accused persons, or in other words, behind their backs. Against this order an appeal was made by the defendant to a Full Bench of the High Court, which has, it is reported, decided that the order of Mr. Justice Jackson was irregular, and has ruled that no such order should be again passed by a Judge of the High Court in his executive capacity. We reserve comments till we see the judgment of the Full Bench.

AT THE last meeting of the Suburban Municipality lots were drawn for the elimination of eight of the Commissioners under Section 2, Act II. of 1873 (B. C.); and the names of Robert Harvey Esq, Captain H. P. Lovell, Prince Rohimuddin, Sahibzada Wahazuddin, Raja Harendrakrishna, Babu Debendra Mullick, Babu Dwarkanath Biswas and Babu Moheshchandra Chowdhuri were included in the list of those who are to retire from the beginning of next month. We hope the Chairman will not follow the example of his predecessor and get another batch of subordinate Government servants, pensioners and darogahs to fill up the vacancies. The Municipal Corporation of the Suburbs is already too official in its personnel, and it is high time that a sufficient number of independent ratepayers owning property in the Suburbs, should be invited to take a part in the management of their local affairs. It may be to the convenience of the Vice-Chairman that the Municipality should have the character of a close borough, but the Chairman should look to the credit of Government, and give reality to its professions. Seeing that the Road Cess Committees all over the country are working satisfactorily from a Government point of view with scarce one-fourth of official members in their composition, we can perceive no valid reason why the Municipal Committees should not work as satisfactorily with a like constitution. The Suburban Municipality is particularly obnoxious to the charge of being overwhelmingly official in its character, and is altogether a sad mockery of a representative institution.

WE ARE SORRY to learn that most of the students of the Calcutta Medical College who went up for final examination this year have been plucked. What is the cause of this wholesale plucking? Has the quality of education in the College deteriorated?—if so, it is a serious reflection upon the Professors. The fault cannot surely lie with the materials, for if we are not mistaken, the present students as a body are better grounded in general education than their predecessors in times past used to be. We cannot believe, but it is insinuated, that the guarantee to provide employment given by Government has something to do with this wholesale massacre of the innocents. One thing however we cannot understand. The plucked students are not told the numbers they may have attained in the different branches of examination or the subjects in which they may have failed. Even the Registrar of the University has no information on the subject, though the examination is connected with the University. How can the students remedy their defects, if they are not told in which branches they are deficient?

HERE is an instance of how Municipal authority is sometimes converted into a source of annoyance to the people. In 1869 a private individual had stopped a public road at Mahesh near Serampore; a complaint was made to the then Magistrate Mr. Hopkins, who in an order wrote—"I have satisfied myself that the obstruction on the road exists, not only from oral evidence but also from personal inspection." He then passed the following order:

"The Court further orders that within 24 hours from the passing of this order the accused Brojo Nath Dey remove the two turnstiles and the fence obstructing the Napitparah Gullee and in default of his carrying out the order proceedings will be taken against him under Sec, 188 I. P, C. and the Police will remove all obstructions at present existing on the road."

This individual subsequently brought a suit against some of the inhabitants, who used the road, but the Civil Court dismissed the suit, and made strong reflections upon the plaintiff. Thus the right of the public to the road was twice recognized by competent courts of justice. But in 1874 Babu Brojonath Dey got an order from Mr. Jeffery, Vice-Chairman of the Municipality, to stop this public road, and to give a way through another portion of the locality convenient to himself. The inhabitants feel naturally dissatisfied and complain that their right of way, which they have enjoyed for years, should be taken away for the convenience of a private individual. This road we are told is a short cut to the river, is chiefly used by females in coming to the river as it is somewhat secluded, and is also largely resorted to on the occasion of the Ruth festival. They have accordingly petitioned the Magistrate of Hooghly against the order of the Vice-Chairman. It is scandalous that the right of the public should be deliberately set aside for the sake of a private individual. We do hope that Sir William Herschell will do justice to the petitioners.

LORD SALISBURY gave the following reply to a deputation of the Anglo-Oriental Society for the suppression of the Opium Traffic between India and China:

"Lord Salisbury, in reply, said no one could be blind to the importance or the interest of the subject. He did not accept Lord Shaftesbury's suggestion that the Government of India were in any way stimulating the trade. The Government did not view with any favor the idea of extending the traffic. When they pressed upon the Government the necessity of placing restrictions upon the traffic of opium—he meant the traffic which sprang from the efforts of individuals—then they raised a very large question indeed. Might not the Earl say to England, "Physician, heal thyself?" There was a great deal of evidence as to opinion on both sides. There was no question on which it was more difficult to arrive at a correct conclusion how far opium taken in moderation, was injurious to health. Mr. Margary, in his journal, referred to the use of opium as an agent in keeping off malaria. He did not think it could be said that there was any climate in the world in which it could be said that the use of ardent spirits was a necessity, and of opium that could be said. They raised a very large question when they asked them to interfere in any way to discourage the action of private enterprise in supplying a drug which the Chinese preferred to take. He could not hold out any hope that any legislation in that direction was probable. If he were to assign a time when such legislation might be undertaken, he should say it would be subsequent to the time when a Bill was passed preventing the sale of spirits in England. The Government of India would always watch the question carefully, and he was sure it would occupy the careful attention of the Viceroy who was now going out."

This was a sensible and bold reply. Lord Salisbury gave a home-thrust to the deputation when he said that if he were to assign a time when such legislation might be undertaken, he should say it would be subsequent to the time

when a Bill was passed preventing the sale of spirits in England. Served right.

AT LAST Wednesday's meeting of the Justices Sir Stuart Hogg stole a march upon the Special Committee charged with the task of making a representation to the legislature regarding the Calcutta Municipal Bill. In the list of business notice was given that he would lay before the meeting the proceedings of the Special Committee. He stated that as he did not subscribe to the memorial presented by the Special Committee he wished that some other Justice would move a motion for the confirmation of the proceedings, and suggested to the only member of the Committee present to do the needful. The latter, taking it to be a *pro forma* business, moved a Resolution as suggested, and then came out Sir Stuart Hogg in his true colors. He moved the following amendment :

"That the Justices in meeting while not concurring in all the statements set forth in the memorial prepared by the Special Committee do pass the expenditure of Rs. 3,500 already expended by the Committee, and further authorise the General Committee, to pass such further sums as they may think fit."

The meeting was taken aback by the Chairman's action, and Mr. Wilson protested against it. He said :

"He had only one or two observations to make, as it seemed to him hardly a proper proceeding for a meeting such as the present one to decide upon the question which was now before it. The question, when it was discussed on a former occasion, was thought of such supreme importance as to draw together a very large meeting. A Special Committee was then appointed with powers such as he believed were never given to any Committee of the Justices before, with the view of taking proceedings of a most exceptional character; and so pass the report of that committee like this at a small meeting like the present one, seemed to him very much like making a farce of the whole proceedings. It was perhaps not the fault of the gentlemen present that other gentlemen were absent, but he thought the members of the Select Committee should, as far as possible, have been present, and yet they had heard it stated that, as only *one* of the members of the Committee was then present, it had fallen upon him to move the resolution in favor of adopting the committees suggestions. It seemed to him a very serious reflection upon the members of that committee and the Justices generally, that there were not more members of the committee present to support the committee's proceedings, and for some more of the Justices either to support them, or express some opinions upon them as the proceedings deserved. The question, it seemed to him, was very important in one sense, but perhaps not in another for he doubted whether it mattered a straw what course they took. But still as a procedure on the part of a public body, it seemed to him, as he had said before, a mere farce."

The Chairman would not however listen. He probably thought that he would never have a more favorable opportunity to undo what the Special Committee had done, and accordingly persisted in putting the motion to the vote. As a matter of course the original motion was lost and the amendment was carried. The mover, Mr Wilson, and Mr. MacLachlan then called for a poll, and the meeting thus divided :

For Amendment.	*Against Amendment.*
E S. Gubboy, Esq.	J. E. MacLachlan, Esq.,
Rajah Harendra Krishna, Bahadoor	Rajah Suttyanund Ghosal, Bahadoor
Dr. Payne	Hon'ble Kristodas Pal,
Roy Grish Chunder Dass, Bahadoor	Roy Kannye Lall Dey, Bahadoor.
Prince Mahomed Farruck Shah	J. Wilson, Esq.
Hon'ble Newab Ashgur Ali Khan Dilarjung, C. S. I.	C. F. Von Lintzgy, Esq.
Nawab Ahmud Ali Khan	Manickjee Rustomjee, Esq.
Chairman and Vice-Chairman.	
9	7

It will be seen from the above that the Chairman's majority consisted of three executive officers of the Municipality, the Chairman, Vice-Chairman, and Health-Officer, two Government servants, and three Government pensioners. The public are thus in a position to judge what is the moral worth of this vote.

On referring to the wording of the notice in the list of business we do not hesitate to say that the original motion was wholly out of order. There was no notice given that the proceedings would be laid for confirmation. It had been simply announced that the proceedings would be laid before the Justices, and according to practice it was not usual to move a Resolution upon proceedings so laid. The mover of the Resolution was cleverly entrapped, and he cannot but be sorry that he was made an unconscious tool of. He had moved the resolution under an impression that the expenditure of money required the sanction of the Justices at meeting. But there could be no doubt that the resolution was out of order and that the amendment was consequently illegal. We hope the Special Committee will take early steps to put the matter to rights.

THE CHITTAGONG CORRESPONDENT of the *Indian Mirror* thus reports an outrage alleged to have been committed by a tea-planter :

"Mr. A. L. Webster, a tea-planter, owner of the Fennah Garden, was charged with attempt to murder and grievous hurt by the Police of the Fatticksbury Station. Some persons living close to his garden obstructed a stream running along the land belonging to the garden so as to put a stop to the water flowing downwards. The tea-planter requested these persons to remove the obstruction. They found it difficult to comply with his request as they said that not only the expenses incurred by them would be fruitless, but the rising crops and labor in tillage would be lost. The planter seeing his orders not carried out, came to the spot with some men for the purpose of opening it. The villagers objected to it and said, that without the order of a competent Court of Justice they could not allow him to do the same. He thereupon shot 8 persons, who were immediately removed to the town hospital, and by the mercy of God all of them were, in a manner, saved by the exertions of the well-known Assistant Surgeon, Dr. U. C. Kastogiri. On their case coming on before the Joint-Magistrate, Mr. Badcock—the tea-planter was fined only Rs. 500 and 3 of his coolies 50 Rs. each."

Anent the same subject we have received the following from a European correspondent at the same station :

"I remember that some of the Native journals expressed a great deal of praise on the Magistrate of Jessore when he passed a sentence of two months' rigorous imprisonment on an Indigo Planter without *legal* evidence ; (see Mr. Justice Birch's opinion which I happen to know, was correct)—the alleged misdemeanour being, that he had caused a Dak runner to be severely whipped. A Native doctor examined the whipped man, a day or two after the occurrence, but reported that the whipping could *not* have been severe. Have you *no word* of praise for the Joint Magistrate of *this* District, who hesitated to inflict rigorous imprisonment on a Planter, *accused* of firing upon, and wounding some villagers with shot, as there was no proof of his having even fired a gun! but, for the offence committed ; whatever that was—he fined him *five hundred rupees*. The authorities in this case were accused by a writer in the *Daily News* of trying to *hush up the affair*. They did nothing of the kind. The Commissioner took the trouble to visit the scene of affray, in company with the accused, and, it is to be supposed, was satisfied that the defendant Planter was *falsely* accused ; or he would not have countenanced him, I hope, in future, Magistrates will not sentence respectable men—either Europeans or natives, to "rigorous imprisonment" on such evidence, as the Jessore Planter was sentenced upon! and that you will read a lesson on the subject to your contemporary the *Amirta Bazar Putrica*.

Yours faithfully,
WIL JENKINS.

Chittagong.

P. S.—Your contemporary of Dacca writes of Planters firing upon "poor natives"—he does not apparently know that the "poor natives" are, in many cases, the aggressors!

W. J

You may implicitly rely on the *truth* of any statement of fact, contained in this note.

W. J.

Will our correspondent be good enough to send us the papers in this case, the depositions and judgment ?

THE BOMBAY GAZETTE enters an emphatic protest against the new Dress Regulations issued by His Grace the Duke of Buckingham, Governor of Madras. Our contemporary says :

"Nothing could suggest more forcibly the whims of fate than the order which His Grace the Duke of Buckingham has desired the Military Secretary to the Madras Government to circulate regarding the proper dress that ought to be worn by Hindoo and Mahomedan gentlemen when they visit Government House. The order is addressed to the representatives of a people who boast of civilisation in the matter of clothing, of a more or less gorgeous kind, for a great deal longer than a thousand years: whereas the Duke of Buckingham, the newly arisen *arbiter elegantiarum* in the matter of Hindoo and Mahomedan costume, is the representative of a race who, considerably within the Christian era, were savages who thought they were full dressed when their bodies were painted. Herodotus is credited with making the earliest mention of the Britons, and that venerable historian says that in B. C. 478 they were in the habit of staining their persons with woad as a proof of their high descent—as a proof, in short, of their title to be considered to belong to the stylish and upper ten thousand of the period ; and Herodian, writing about six hundred years later, says that the Britons in the Fenny Districts wore little or no clothing, because, in the first place, they wanted to be free from encumbrance in swimming or wading, and in the next (and probably most important) place, because they particularly desired that their tatooed and painted frames might be seen, and admired of all men. In fact, the early British gentry would appear to have enjoyed all those primitive habits which were brought into discredit by Adam and Eve, who, even in their mild way, first set agoing those evils of dressing which have since proved such an infliction upon the world. The inhabitants of Ashantee and other places in Africa, whose full dress for those occasions of State ceremonial which do duty with them for Government House receptions has been graphically described as a string of beads and a pair of spurs, would appear to have conserved the practice of the early residents of the island now represented by the Duke of Buckingham in the Madras Presidency; and to our mind there is something indicrous in the fact of a gentleman, whose ancestors not so long ago, as centuries are calculated, were probably no better than Guinea Coast aborigines, now laying down the law as regards befitting costume to a people who have been in the habit of ornamenting their persons with turbans, cummerbunds, and loose flowing robes, from time immemorial. We strongly suspect that in days gone by, it was the East that used to give fashions in dress to the West, and not the West to the East. However just as the physical characteristics of the world are represented by ups and downs, so are its fashions and customs; and this is how it comes about that a satrap of the English Government in India is now dictating to Hindoos and Mussulmans what it is proper for them to wear. It is possible that hitherto these misguided people have been suffered by an inscrutable destiny to remain in ignorance of the fact that their head-dress should consist of a turban; that (putting aside entirely their probable ignorance about their "internal dress,") they have not yet fathomed the truth that their "external dress should be a long robe!" Now, however, they know these things. They know, moreover, that "a waistband or girdle should be worn over or under the robe ;" that their "lower limbs should be carefully covered;" that "loose shawls are inadmissible;" and "that their feet need not be covered, but if shoes and boots be worn, they must be of black polished leather." The reference to "external dress" would appear to suggest that Hindoos and Mahomedans have some sort of "internal dress" which the Duke has his eyes upon; and that in order that a native who does not choose to wear a girdle outside his robe may not evade the conditions laid down in the new Court circular, an official will be appointed on a high salary to examine him, and see that the girdle is at all events beneath the "external dress." Such an appointment would be of excellent use to many young civilians. In the course of their duties, they would be able to exercise an amount of tact, delicacy, and intellectual and physical sharpness that would ultimately fit them to adorn the highest political spheres."

But our contemporary forgets that the order is quite original, and in these days of dull mediocrity even a spark of genius is a relief.

WE COMMENTED at length last week on the new Bill for the prohibition of dramatic performances. As the Bill is a short one we give it *in extenso* :

1. This Act may be called "The Dramatic Performances Act, 1876 :"
It extends to the whole of British India.
And it shall come into force at once.

2 In this Act "Magistrate" includes a Presidency Magistrate.

3. Whenever the Local Government is of opinion that any play pantomime, or other drama performed or about to be performed is—

(*a*) of a scandalous or defamatory nature, or

(*b*) likely to excite feelings of disaffection to the Government established by law in British India, or

(*c*) likely to deprave and corrupt persons persent at such performance, or

(*d*) otherwise perjudicial to the interests of the public,

the Local Government, or such officer as it may generally or specially empower in this behalf, may by order prohibit such performance.

4. Copy of any such order may be served on any person about to take part in the performance so prohibited, or on the owner or occupier of any house, room or place in which such performance is intended to take place ; and any person on whom such copy is served, and who does, or willingly permits, any act in disobedience to such order, shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

5 Any such order may be notified by proclamation, and a written or printed notice thereof may be stuck up at any place or places adapted for giving information of the order to the persons intending to take part in the performance so prohibtied.

6 Whoever, after the notification of any such order—

(*a*) takes part in the performance prohibited thereby, or in any performance substantially the same as the performance so prohibited, or

(*b*) in any manner assists in conducting any such performance, or

(*c*) is present as a spectator during the whole or any part of any such performance, or

(*d*) being the owner or occupier, or having the use of any house, room or place, opens, keeps or uses the same for any such performance, or permits the same to be opened, kept or used for any such performance,

shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months or with fine, or with both.

7. If any Magistrate has reason to believe that any house, room or place is used, or is about to be used, for any performance prohibited under this Act, he may, by his warrant, authorize any officer of police to enter with such assistance as may be requisite, by night or by day, and by force if necessary, any such house, room or place, and to take into custody all persons whom he finds therein, and to seize all scenery, dresses and other articles found therein and reasonably suspected to have been used, or to be intended to be used, for the purpose of such performance.

8 No conviction under this Act shall bar a prosecution under section 124 A, or section 294, of the Indian Penal Code.

9 Whenever it appears to the Local Government that the provisions of this section are required in any local area, it may, with the sanction of the Governor General in Council, declare, by notification in the local official Gazette, that such provision are applied to such area from a day to be fixed in the notification.

On and after that day, the Local Government may order that no dramatic performance shall take place in any place of public entertainment within such area, except under a license to be granted by such Local Government, or such officer as it may empower in this behalf

The Local Government may also order that no dramatic performance shall take place in any place of public entertainment within such areas unless a copy of the piece, if and so far as it is written, or some sufficient account of its purport, if and

so far as it is in pantomime, has been furnished, not less that three days before the performance, to the Local Government, or to such officer as it may appoint in this behalf.

A copy of any order under this section may be served on any keeper of a place of public entertainment, and if there after he does or willingly permits any act in disobedience to such order, he shall be punishable on conviction before a Magistrate with imprisonment for a term which may extend to three months, or with fine, or with both.

The whole Bill, it will be seen, has been conceived in a most arbitary spirit. As it is worded it will even include the common jattras. Is it come to this that the people are not to amuse themselves without taking a license from the authorities? The Bill, we observe, is referred to the Select Committee for report in a fortnight. So the public must be up and doing betimes. The Bill is a project of repressive legislation of a most mischievous character.

WE ARE glad to observe that a bold stand is to be made against the Presidency Magistrates' Bill. The British Indian Association has applied to the Council for extension of time, and we believe the Bill will not be passed till the next session. The Association will early submit a memorial against the obnoxious provisions of the Bill. Even the Police Magistrates of Calcutta protest against the abolition of trial by jury. A public meeting of the inhabitants of Calcutta was held on last Saturday at the instance of the Indian League, and the following Resolutions passed at that meeting have been placed in our hands:

I. That in the opinion of this meeting the powers vested by the existing law in the Magistrates of the Presidency Towns are sufficient for the maintenance of peace and order, and for the protection of the citizens against violence and injury.

II. That this meeting fails to perceive any political necessity or exigency of state calling for the extension of Magisterial Jurisdiction or the increase of Magisterial power in the several Presidency Towns of British India.

III. That in the opinion of this meeting the Presidency Magistrates' Bill, now under consideration in H. E. the Governor General's Council is dangerous in its tendency and that its operation, if passed into Law, is likely to result in failures of justice to the detriment of the existing safe-guards for the liberty of Her Majesty's peaceful subjects in India, European and Native.

IV That this meeting views with extreme anxiety and alarm the steady aggrandisement of the executive, the gradual supersession of the High Court and the progress of irresponsible Government at the expense of the judicial checks provided by the consitution, is manifested in recent legislation and measures of administration.

V. That it is expedient to memorialise H. E. the Governor General in Council on the points involved in the preceding resolutions and that the Council of the Indian League be requested to prepare with the aid of the gentlemen, hereinafter named a Memorial to the above effect, and then to adopt all necessary measures for its presentation to His Excellency in Council: the names of the gentlemen referred to being Messrs F. F. Wyman, J. B. Knight, J. Wilson, H. H. Remfry, H. R. Fink, E. P. Wood, & furrel A. M. Montrion, and W. C. Banerjee, Prince Farak Shah, Raja Komul Krishna Bahadur, Hon'ble Digambar Mitra, C. S. I. Raja Jotindra Mohan Tagore Bahadur Hon'ble Kristodas Pal, Dr. Rajendralala Mitra, Babu Bhairab Chandra Banerji, Babu Ramanath Law, Hon'ble Durga Charn Law, and Babu Keshab Chandra Sen.

ACKNOWLEDGMENTS.

MOFUSSIL SUBSCRIPTIONS.	Rs.	As.	P
Pundit Girdharee Lal, Moortaka	15	0	0
The Secretary to the Rajshahye Association	13	4	0
Baboo Jogendro Nath Roy, Sauamgunge	6	10	0
,, Kristo Gopal Ghose, Cossipore	25	0	0
,, Dennobondo Kur, Rampore Hat	6	10	0
,, Mutty Lal Ghose, Hooghly	5	0	0
,, Behary Lal Seal, Chinsurah	13	4	0
,, Kally Kishore Mookejee, Monghyr	3	8	0
,, Sreenath Chatterjee, Malibund	6	0	0
,, Kylash Ch. Mookerjee, Rampore Boulcah	13	4	0
,, Gonesh Chunder Mohapattar, Tajpore	10	0	0
,, Chunder Vooshon Bhottacharjee, Bhagulpore	5	0	0
,, Banwaree Lal Shome, Durbhangah	13	4	0
,, Duckhinaranjan Mookerjee, Pauscoorah	13	4	0
,, Prosanno Coomar Mookerjee, Chittagong	6	0	0
,, Monoharry Lal Shome, Chinsurah	3	0	0
ERRATUM.			
Baboo Kadar Nath Chatterjee, Hooghly, read Moonsiff of Serampore	13	4	0

Government Notifications.

Calcutta Gazette.—*March* 22, 1876.

GENERAL.—*The 15th March* 1876.—Lieutenant Leopold James Henry Grey, Assistant Commissioner, employed on the special work for the measurement and settlement of the Barkagurh Estate in Lohardugga, is vested with the powers of a Collector under Regulation VII of 1822.

Baboo Poorno Chunder Goose, Deputy Magistrate and Deputy Collector, is appointed to have charge of the Barripore division of the 24-Pergunnahs district, with effect from the date on which he may be relieved of his present duties a Officiating Personal Assistant to the Commissioner of the Rajshahye and Cooch Behar Division.

Consequent on the death of Baboo Mohima Chunder Pal, a Deputy Magistrate and Deputy Collector of the fourth Grade the following promotions are made in the Subordinate Executive Service:—

From the Fifth to the Fourth Grade.

Mr. Arthur Rattray, Deputy Magistrate and Deputy Collector, in charge of the Sungoo division of the Chittagong Hill Tracts.

From the Sixth to the Fifth Grade.

Baboo Bejoy Madhub Mookerjee, Deputy Magistrate and Deputy Collector, in charge of the Satkhirah division of the 24-Pergunnahs district.

From the Seventh to the Sixth Grade.

Moulvi Abdool Hye, Deputy Magistrate and Deputy Collector, in charge of the Manickgunge division of the Dacca district.

Baboo Hurry Mohun Chundra, Acting Deputy Magistrate and Deputy Collector, Dinagepore, is confirmed in the Seventh Grade of the Subordinate Executive Service.

The 16th March 1876.—Mr. Frederick William Kelly, Revenue Surveyor, in charge of the survey operations in Midnapore, is vested with the powers of a Deputy Collector under Regulation IX of 1833 in that district.

The 17th March 1876.—The furlough for twenty months granted to Lieutenant-Colonel J. Burn, Senior Captain of the Behar Mounted Volunteer Rifles, under orders of the 21st February 1876, published in the *Calcutta Gazette* of the 23rd idem, will have effect from the 13th March 1876, instead of from the 20th March 1876, as previously notified.

Lieutenant—Colonel J. Macdonald, Superintendent, Revenue Surveys, Lower Circle is appointed to be a Member of the Committee for the temporary management of the Zoological Garden at Alipore.

The 18th March 1876—Kumar Barendra Krishna is appointed to act as a Deputy Magistrate and Deputy Collector, and is posted to the district of Midnapore.

Moulvi Hossein Ali, Deputy Magistrate and Deputy Collector, Godda, in the Santhal Pergunnahs, is transferred to Doomka.

Captain John Edward Sandeman, Assistant Superintendent, in charge of the Dhanwar Estate Survey, is vested with the powers of a Deputy Collector under regulation IX of 1833.

The 20th March 1876.—Mr. T. T. Allen, Officiating District and Sessions Judge, Jessore, is allowed Furlough for a period of one year eleven months and eight days, under Section 10 (*a*) of the Civil Leave Code, together with subsidiary leave for a period not exceeding thirty days, with effect from the 1st April 1876, or any subsequent date on which he may be relieved,

In supersession of the orders of the 4th instant, Mr. E. S. Moseley, Joint Magistrate and Deputy Collector, is posted to the district of Durbhanga.

Mr. J. Nugent, Assistant Magistrate and Collector, is appointed to have charge of the Seetamarhee division of the Muzufferpore district.

Major Edward Yeamans Walcott, Assistant Commissioner, Manbhoom, is appointed to act as Cantonment Magistrate of Barrackpore and as Judge of the Small Cause Court in that Cantonment, during the absence, on leave, of Captain W. Hopkinson or until further orders.

The 21st March 1876.—Baboo Denonath Mookerjee, Deputy Magistrate and Deputy Collector, Manbhoom, was absent on privilege leave for six weeks from the 21st January last. The service of Lieutenant H. M. Temple, Extra Aid-de-Camp on the personal Staff of the Lieutenant-Governor, are replaced at the disposal of the Government of India in the Military Department, with effect from the 22nd instant.

POLICE.—*The 20th March* 1876.—Mr. J. G. Charles, Officiating Joint Magistrate and Deputy Collector, 24-Pergunnahs, is appointed to act as Deputy Commissioner of Police, Calcutta, during the absence, on leave, of Mr. J. Lambert, or until further orders.

The 21st March 1876.—The orders of the 30th November 1875, appointing Mr. Charles Raban to act in the First Grade of Assistant Superintendents of Police, will have effect from the 25th June last, the date on which Mr. W. B. Savi received charge of the office of District Superintendent of Police Cachar.

The 20th March 1876.—Baboo Nand Krishna Bose, M. A., is appointed to be a Lecturer in the Presidency College, as a temporary arrangement, with effect from the date on which he joined his appointment in that Institution.

The 13th March 1876.—Baboo Tek Narain Sing, of Julseema, in the sub-division of Muddehpore, is appointed to be an Honorary Magistrate in the district of Bhaugulpore, and is vested with the powers of a Magistrate of the Third Class.

The 15th March 1876.—Dr, Henry Hearsey Bathe is appointed to be an Honorary Magistrate in the district of Monghyr, *vice* Dr. W. G. Clarke. Dr. Bathe is vested with the powers of a Magistrate of the Third Class.

The 16th March 1876.—Baboo Govind Chunder Sandyal, Subordinate Judge and Judge of the Small Cause Court, Patna, is allowed leave for six months, under Section 3, Supplement F of the Civil Leave Code.

Advertisements.

NOTICE.

Notice is hereby given that letters of administration to the estate of Mothoormohun Biswas late of Jaunbazar in Calcutta zemindar limited to certain shares in the Bank of Bengal shares and the Bengal Coal Company limited have been this day granted to his surviving sons Baboos Dwarkanauth Biswas and Troyluckonauth Biswas and his adult grandsons Shosheebhooshun Biswas, Greenderbhooshun Biswas and Moneebhooshun Biswas.

9 *Old Post Office Street* } SWINHOE LAW & Co.,
20th March 1875. } *Solicitors.*

যৌবনে যোগিণী।

(ঐতিহাসিক নাটক।)

শ্রীগোপালচন্দ্র মুখোপাধ্যায় প্রণীত। কলিকাতা, ৫০ নং গ্রেষ্ট্রিট, সংস্কৃত যন্ত্রের পুস্তকালয়ে, এবং ক্যানিং লাইব্রেরীতে পাওয়া যায়। মূল্য ১ এক টাকা, ডাকমাশুল ৵০ দুই আনা।

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"* * * মাঝে মাঝে স্বাভাবিক ক্ষমতা দেখাদিয়াছে, ভাষাও বর্ণনাদি অনেকস্থলে সুন্দর হইয়াছে। ঘটনার বৈচিত্র্য আছে। গোপাল বাবু বর্ণনীয় কালের ইতিহাস জ্ঞানে অনেক শ্রেষ্ঠ" ইত্যাদি—মধ্যস্থ।

"* * * নাটক খানির রচনা তাঁহার (সম্পাদকের) বিবেচনায় অতি সুন্দর হইয়াছে। তিনি (সম্পাদক) সকলকেই এ নাটক খানি পাঠ করিতে বিশেষ অনুরোধ করেন" ইত্যাদি—অনুবীক্ষণ।

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"* * * যৌবনে যোগিনীকার রস রচন পটু। যে উদ্দেশে যৌবনে যোগিনী প্রকাশ, তাহা অধিকাংশে সফল হইয়াছে।" ইত্যাদি। সাধারণী।

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KEDAR NATH DASS
Assistant Engineer for Executive Engineer
Upper Gunduck Division.

NOTICE.

A Public Meeting will be held at the Hooghly College on Thursday next, the 30th instant, at 6-30 P. M. to consider the best means of perpetuating the memory of the late Mr. Thwaytes, Principal of the College. Sir William Herschel will preside. All ex-students of the College are invited to attend.

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নং ৯ চৌরঙ্গী রোড॥

মহামান্য শ্রীল শ্রীযুক্ত ভারতবর্ষীয় রাজাগণ এবং সর্ব্ব সাধারণকে বিজ্ঞাপন করা যাইতেছে যে অতি উৎকৃষ্ট বাদ্য যন্ত্র সকল "কলিকাতা বাদ্য যন্ত্রালয়ে" অতি অল্পমূল্যে বিক্রয় হইতেছে. নিম্নে উক্ত বাদ্য যন্ত্র সকল মূল্য লেখা যাইতেছে॥

ঐকতানিক যন্ত্র।

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ক্যালকাটা মিউজিক্যাল এষ্টাব্লিষমেণ্ট।

নং ৯ চৌরিঙ্গীরোড।

NOTICE.

The Oriental Gas Company beg to announce that the price of Gas in Calcutta and Howrah will be reduced to Five Rupees per 1,000 feet from the 1st March next.

J. BLACKBURN,
Engineer and Manager.

January 1st 1876.

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To
The Honorable J. R. Bullen Smith, C.S.I.,
Sheriff of Calcutta.

SIR,—We, the undersigned Residents of Calcutta, request that you will be so kind as to call a Public Meeting, to be held on an early date, to be fixed by yourself, in the Town Hall, for the purpose of considering a proposal to erect, by public subscription, a fitting Memorial to His Excellency the Viceroy and Governor-General Lord Northbrook, who is about to retire soon.

We remain
Your's very faithfully

R. Temple.
Richard Garth.
Arthur Hobhouse.
W. Muir.
John Inglis.
Romanauth Tagore.
Jotendro Mohun Tagore.
Raja Harendra Krishna. Bahadur.
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Rajendro Mullick.
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Rajendra Narayan Deb.
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Narendra Krishna.
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Afzaluddin Ahmed.
Ahsomuddin Ahmed.
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F J Fergusson
C F Egerton Allen
Thos R Strokoe
Moharaja of Vizianagram
Kalliprosono Ghosa
Khoda Bukhsh
Fuzli Ali

In compliance with the foregoing requisition, I do hereby convene a Public Meeting of the inhabitants of Calcutta, and elsewhere, to be held in the Town Hall, on Saturday, the 8th April next, at 4 o'clock P.M.

SHERIFF'S OFFICE, J. R. BULLEN SMITH.
The 16th March, 1876. *Sheriff.*

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The 4th March 1876. *University Registrar.*

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